

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 18 MARCH 2009 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Jim Buchanan, John Knapp, Hugh Ross, Jim Todd, Jim Roberts and Kathy Morrice; Church Representative Bill McGregor; Teacher Representative Iain Harvey; and Parent Representative David Fraser.

ATTENDING: Fiona Lees, Chief Executive; 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; Bill Walkinshaw, Head of Democratic Services; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Andrew Sutherland, Head of Service: Schools; Janie Allen, Principal Officer, Early Education and Childcare; Dot Grieve, Principal Officer, Community Learning and Development; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillor Robert McDill and Church Representatives John McHugh and Dr Ivy Barclay.

CHAIR: Councillor Douglas Reid, Chair.

LIFELONG LEARNING**FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 11
(8 FEBRUARY 2009)**

- 1E.** There was submitted a report dated 11 March 2009 (circulated) by the Executive Head of Finance and Asset Management which advised Members of the projected financial position for the year based on expenditure to 8 February 2009 (Period 11) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the transfer of £0.004m funding currently held within the Youth Challenge Fund to the Talented Athlete Programme;
- (ii) to agree to utilise £0.136m of funding currently held within the Repairs and Renewal Fund as detailed below:-

	<u>DETAIL</u>	<u>£m</u>
1.	Workforce assessments to fully comply with the Control of Vibration and Noise at Work Regulations 2005 as recommended by the Health and Safety Executive	0.015
2.	Training of workforce to ensure compliance with approved Traffic Signs Manual Code of Practice for traffic management and control at roadworks and new equipment	0.030
3.	Site management and disposal of construction waste materials to landfill to comply with environmental legislation, regulation and best practice	0.055
4.	Improvements to security and safety at Gauchalland Road depot	0.020
5.	Service improvements to operational activities including flooding, emergency and drainage via purchase of high pressure jetting washer unit	0.016
	TOTAL	0.136

(iii) otherwise, to note the contents of the report.

THE EARLY YEARS FRAMEWORK

2E. There was submitted a report dated 2 March 2009 (circulated) by the Executive Director of Educational and Social Services which brought to the attention of Members of Cabinet, the Early Years Framework.

Cabinet, having considered the issues set out in the report, agreed:-

- (i) to remit to the Executive Director of Educational and Social Services to return to Cabinet with proposals in respect of implementation as appropriate; and
- (ii) otherwise, to note the contents of the report.

GRANT FUNDED PROJECTS 2009/10

3E. There was submitted a report dated 6 March 2009 (circulated) by the Executive Director of Educational and Social Services which advised Members of the outcome of the annual evaluations of grant funded projects and which sought approval for future funding arrangements for 2009/10.

Cabinet agreed:-

- (i) to approve funding to Bellsbank Women's Project of £25,170;
- (ii) to approve funding to North West Youth Project of £74,536 and to remit to Officers to review the position of the Management Committee at the AGM

and, if required, agree with them aspects of responsibility which would transfer to the Council for an interim period;

- (iii) that the Executive Director of Educational and Social Services return to Cabinet with a report outlining responsibilities which the Council would fulfil, if appropriate;
- (iv) to approve funding to Cumnock and Doon Valley Gift Furniture Scheme of £9,890 and to transfer responsibility to the Executive Director of Neighbourhood Services;
- (v) to approve funding to Ayrshire Household Recycling of £7,302 and to return to Cabinet with a further report on the sustainability of the project;
- (vi) to approve funding to the Holiday Project of £16,896;
- (vii) to establish Service Level Agreements with the North West Youth Project and Bellsbank Women's Project for 2009/2010; and
- (viii) otherwise, to note the contents of the report.

The Cabinet noted that Appendix 1 of the report which related to the North West Youth Project should have read "There had been a reduction in the number of young people recorded from over 263 to 138 in this year".

EARLY EDUCATION AND CHILDCARE FUNDING TO EXTERNAL AGENCIES 2009/10

- 4E.** There was submitted a report dated March 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for allocation of funds to external organisations in respect of Early Education and Childcare for the financial year 2009/2010.

Cabinet agreed:-

- (i) to approve £70,087 to support Out of School Care Services to September 2009 and to return to Cabinet with the outcome of the review of the funding formula;
- (ii) to approve funding of £6,078 to Ochiltree Bus Group;
- (iii) to approve funding of £2,300 to Irvine Valley Bus Group;
- (iv) to approve funding of £4,000 to Riccarton Pre-5's and thereafter reduce by £1,000 on an annual basis until 2013/14;
- (v) to approve funding of £57,290 to Homestart East Ayrshire;
- (vi) to approve funding of £94,202 to The Avenue Project; and
- (vii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

- 5.** 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".

PRE-SCHOOL EDUCATION - ALLOCATION OF TEACHERS TO NURSERIES

- 6E.** There was submitted a report dated 13 January 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet on proposals in respect of the allocation of teachers, senior early years workers and early years workers in local authority nursery schools, nursery classes and community nurseries.

Teacher Representative Iain Harvey, seconded by Church Representative Bill McGregor, moved that recommendation (i) be amended to read:- to remit the report back to the Executive Director of Educational and Social Services and ask the Executive Director of Educational and Social Services to prepare a scheme to retain the current number of GTC registered teachers within early years pre-school sector and submit a further report to Cabinet in due course.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved as an amendment:-

- (i) to approve the recommendations contained within the report and subsequently to consult with appropriate Trade Unions on the proposals;
- (ii) that the Executive Director of Educational and Social Services return to Cabinet with the outcome of costings in respect of 3 hour provision; and
- (iii) otherwise, to note the contents of the report.

On a division by a show of hands the amendment was carried by 8 votes to 4.

The Cabinet noted that Paragraph 6.1 of the report should have read "Seven Senior Early Years Workers posts".

Church Representative Bill McGregor, Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

RE-ADMITTANCE OF PRESS AND PUBLIC

- 7.** The Press and public were re-admitted to the meeting.

COMMUNITY WELLBEING

PROPOSED HOUSING INVESTMENT PROGRAMME 2009/2010 (Item 4, Pages 604 & 605, 07/12)

- 8.** There was submitted a report dated 11 March 2009 (circulated) by the Executive Director of Neighbourhood Services which informed Cabinet of the anticipated financial allocation for 2009/2010 and which advised of the actions required to continue to direct the Investment Programme towards the objectives of the Scottish Housing Quality Standard.

Cabinet agreed:-

- (i) to approve the proposals for the 2009/2010 Housing Investment Programme;
- (ii) to note that details of properties to be included in the programme would be circulated to Elected Members in respect of their own ward interests; and
- (iii) to note that regular reports on progress in delivering the programme would be submitted to Members through the budget scrutiny arrangements throughout the year.

ENVIRONMENT AND REGENERATION

NEGOTIATED PROCUREMENT AND MAINTENANCE OF AN UPGRADED FUEL MANAGEMENT SYSTEM

9. There was submitted a report dated 6 March 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the Head of Roads and Transportation to negotiate a single supplier contract with Solution Specialists Ltd of 4 Fyne Avenue, Righead, Bellshill, ML4 3LJ (SSL) to provide an upgrade of the Council's existing fuel management system using the very latest innovations in fuelling technology, allowing real time 24/7 data access via the internet or by text message and for maintenance of the system for a five year period.

Cabinet agreed:-

- (i) that the Head of Roads and Transportation negotiate a contract with Solution Specialists Ltd to provide a web based upgrade of the existing Fuel Management System and maintenance for a five year period; and
- (ii) otherwise, to note the contents of the report.

CORPORATE ENFORCEMENT UNIT INITIATIVES (Item 12, Pages 436 & 437, 07/12)

10. There was submitted a report dated 25 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of the completed and proposed initiatives to be carried out by the Corporate Enforcement Unit.

Cabinet agreed:-

- (i) to note the progress with initiatives carried out by the Corporate Enforcement Unit and future proposals;
- (ii) to approve the proposed programme of initiatives for 2009; and
- (iii) otherwise, to note the contents of the report.

EAST AYRSHIRE LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME

11. There was submitted a report dated 16 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to Cabinet for information and approval, a suggested Development Plan Scheme which detailed the anticipated timetable and participation procedures that it was proposed would be put into place regarding the preparation of a new Local Development Plan for East Ayrshire under the provisions of the Planning Etc (Scotland) Act 2006.

Cabinet agreed:-

- (i) to approve the Development Plan Scheme for publication;
- (ii) to authorise the Head of Planning and Economic Development to publicise the Development Plan Scheme before the end of March 2009, as required by statute; and
- (iii) that due to the timescales involved, i.e. the requirement to publish its first Development Plan Scheme by 31 March 2009, to implement this decision

prior to any consideration by the Governance and Scrutiny Committee under the call-in process as to delay the process would prevent a final decision being made before the required date.

During part of the discussion on this item, Councillor Reid left the meeting and Councillor Linton, Depute Leader of the Council chaired the meeting until Councillor Reid returned prior to a decision being made.

MANAGEMENT AND RESOURCES

TREASURY MANAGEMENT STRATEGY 2009/10 (Item 3, Pages 603 & 604, 07/12)

- 12.** There was submitted a report dated 27 February 2009 (circulated) by the Executive Head of Finance and Asset Management which sought approval of Cabinet of the proposed Treasury Management Strategy for the financial year 2009/10.

Cabinet agreed:-

- (i) to approve the Treasury Management Annual Strategy;
- (ii) to note the position in respect of investments held by Iceland Banks as detailed in Paragraph 7.6 of the report; and
- (iii) otherwise, to note the contents of the report.

EDUCATIONAL AND SOCIAL SERVICES APPROVED RATES AND CHARGES - 2009/2010

- 13.** There was submitted a report dated 25 February 2009 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet approval for alterations to the approved rates and charges for Educational and Social Services for financial year 2009/10.

Cabinet agreed:-

- (i) to approve the revised charges as detailed in Section 3 of the report; and
- (ii) otherwise, to note the contents of the report.

NEGOTIATED ACQUISITION OF NORTHGATE LICENSING SYSTEM

- 14.** There was submitted a report dated 10 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought the approval of Cabinet for the negotiated acquisition of the Northgate Licensing Software System.

Cabinet agreed:-

- (i) to approve the negotiation of a contract for the acquisition of a comprehensive licensing software system with Northgate Information Solutions Ltd at a maximum value over five years of £112,000 in accordance with Paragraph 20(1) of the Council's Standing Orders Relating to Contracts;
- (ii) that due to the timescales involved, i.e. the requirement to acquire the system by 27 March 2009 to obtain a £30,000 saving, to implement this decision prior to any consideration by the Governance and Scrutiny Committee under the call-in process; and
- (iii) 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”.

EARLY RETIREMENT AND SEVERANCE ARRANGEMENTS (PARA 1)

16. There was submitted a report dated 11 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of early retirement and severance arrangements within the Chief Executive’s Office, the Department of Educational and Social Services and the Department of Neighbourhood Services.

Cabinet agreed to approve the early retirement and severance arrangements as detailed in Appendices A and B of the report.

FORMER BONDED WAREHOUSE AT STRAND STREET/CROFT STREET, KILMARNOCK (PARA 9) (Item 20, Page 640, 07/12)

17. There was submitted a report dated 12 March 2009 (circulated) by the Executive Head of Finance and Asset Management which provided clarification on alternative lease/acquisition proposals in relation to the former Johnnie Walker Bonded Warehouse at Strand Street/Croft Street, Kilmarnock, within the ownership of Alchemist Properties Limited.

Cabinet agreed:-

- (i) to confirm its agreement to the recommendations contained within the Cabinet report of 4 March 2009, subject to any variation, to take account of the terms of Section 4 of the report dated 12 March 2009 (circulated);
- (ii) in recognition of the contractual situation and the need to ensure that the Council can expedite all relevant actions in order to ensure that the Council’s position is not prejudiced and to protect the Council’s legal, financial, commercial and reputational interest, that the above decision be implemented ahead of any consideration by the Governance and Scrutiny Committee in terms of the Council’s call-in procedure; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1135 hours.