

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 2 APRIL 2008 AT 1000 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Hugh Ross, Jim Todd, Robert McDill, Eric Jackson, Jim Roberts and Kathy Morrice; Teacher Representative: Iain Harvey; and Parent Representative: David Fraser.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; 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; Jackie Donnelly, Executive Head of Social Work; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Martin Rose, Head of Personnel; John Bryson, Head of Roads and Transportation; Andrew Sutherland, Head of Schools; Joseph McLachlan, Corporate Accounting Manager; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillor Jim Buchanan, and Church Representatives: Bill McGregor, John McHugh and Dr Ivy Barclay.

CHAIR: Councillor Douglas Reid, Chair.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting John Bryson, newly appointed Head of Roads and Transportation and Andrew Sutherland, newly appointed Head of Schools.

The Chair also expressed the Cabinet's deep sadness at the death of Mary Kelly, a Personal Carer with East Ayrshire Council who had died following a road traffic incident on Friday 28 March 2008.

He further intimated that the Cabinet's thoughts were with Mary Kelly's family at this sad time and with Anne Riddick and her family. Anne Riddick, also a Personal Carer, had also been involved in the accident and remained in hospital. The Chair and the Chief Executive would represent the Council at Mary's funeral to be held on Friday 4 April 2008.

LIFELONG LEARNING**THE JOINT INSPECTION OF SERVICES TO PROTECT CHILDREN AND YOUNG
PEOPLE IN THE EAST AYRSHIRE COUNCIL AREA**

- 2E. There was submitted a report dated 13 March 2008 (circulated) by the Executive Director of Educational and Social Services which advised Cabinet of the publication by Her Majesty's Inspectorate of Education (HMIe) of the final report on the Joint Inspection of Services to Protect Children and Young People in the East Ayrshire Council Area and which sought Cabinet approval to the proposed arrangements for development of an action plan in respect of the report's findings.

Cabinet agreed:-

- (i) to note the generally positive conclusions arising from the HMle Joint Inspection of Services to Protect Children and Young People in the East Ayrshire Area;
- (ii) to agree that the Child Protection Chief Officers' Group progress the preparation of an action plan to address the issues identified by the Chief Inspector as part of the annual business planning process of the Child Protection Committee;
- (iii) that the Executive Director of Educational and Social Services provide Cabinet with regular progress reports; and
- (iv) otherwise, to note the contents of the report.

Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

COMMUNITY WELLBEING

COMMUNITY HEALTH PARTNERSHIP REVIEW

3. There was submitted a report dated 7 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought consideration of a report submitted to, and approved by, the NHS Ayrshire and Arran Board of 12 March 2008 on progress made in respect of the Review of Community Health Partnerships in Ayrshire.

Cabinet agreed:-

- (i) to note the progress in relation to the review of Community Health Partnerships across Ayrshire;
- (ii) to note the decision of the Chief Executive that the two East Ayrshire Council Officer representatives on the Strategic Alliance be the Depute Chief Executive/Executive Director of Corporate Support and the Executive Head of Finance and Asset Management;
- (iii) to receive an Outcomes Report at an appropriate meeting of Cabinet prior to the NHS Board meeting in June 2008 which was due to receive the proposals also; and
- (iv) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

TRADITIONAL BUILDING SKILLS TRAINING PROGRAMME - NEGOTIATION AND AWARDING OF CONTRACT

4. There was submitted a report dated 10 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to authorise the Head of Planning and Economic Development to enter into negotiation with The Scottish Lime Centre Trust and award a contract in terms of the Council's Standing Orders Relating to Contracts and Tendering.

Cabinet agreed:-

- (i) to authorise the Head of Planning and Economic Development to negotiate a contract with The Scottish Lime Centre Trust in terms of Item 20(1) of the Council's Standing Orders Relating to Contracts and Tendering; and
- (ii) to authorise the Executive Director of Corporate Support/Head of Planning and Economic Development (dependant on the value of the contract) to award the contract to The Scottish Lime Centre Trust on completion of the negotiation process if she/he is satisfied that the contract would represent Best Value.

APPROVAL OF CONTRACTOR TO CARRY OUT A SURVEY OF THE SEAGULL POPULATION IN KILMARNOCK AND SURROUNDING AREA

5. There was submitted a report dated 20 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to appoint Rentokil Initial UK Limited to carry out an in-depth survey of seagull activity to identify problem areas and patterns of activity in the Kilmarnock and surrounding area to be used as a basis for an enhanced programme of seagull control.

Cabinet agreed:-

- (i) to remit to the Depute Chief Executive/Executive Director of Corporate Support to negotiate an appropriate contract for a survey of seagull activity with Rentokil Initial UK Limited; and
- (ii) otherwise, to note the contents of the report.

STREET LIGHTING CAPITAL PROGRAMME 2008/09

6. There was submitted a report dated 18 March 2008 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the proposed 2008/09 Street Lighting Improvement Programme.

Cabinet agreed:-

- (i) to approve the proposed 2008/09 Street Lighting Improvement Programme as outlined in the report; and
- (ii) to note that the proposed Kilmarnock-Kirkstyle Area Scheme would involve the extension of the trial of energy efficient lighting in order to determine the long term reliability and cost effectiveness of the technology.

ADDITIONAL CAPITAL GRANT 2007/08 - PROPRIETARY CARRIAGEWAY AND FOOTWAY SURFACING REPAIR SYSTEM

7. There was submitted a report dated 26 March 2008 (circulated) by the Executive Director of Neighbourhood Services which sought approval (i) for the Head of Roads and Transportation to negotiate a single supplier contract with ASI Solutions PLC to provide a proprietary recycling process machine for repair work to carriageways and footways; and (ii) to substitute an asphalt chipping machine in place of a vehicle to support the 'Rhinopatcher' recycling plant and process, to enable the budget allocation from the Additional Capital Grant to be fully utilised.

Cabinet agreed:-

- (i) to remit to the Head of Roads and Transportation to negotiate an appropriate contact with ASI Solutions PLC to supply a `Rhinopatcher' proprietary repair system; and
- (ii) to substitute an asphalt chipping machine in place of a vehicle to support the `Rhinopatcher' recycling plant and process, to enable the budget allocation from the Additional Capital Grant to be fully utilised.

2008/09 PROGRAMME OF STRUCTURAL MAINTENANCE OF ROADS AND FOOTWAYS

8. There was submitted a report dated 25 March 2008 (circulated) by the Executive Director of Neighbourhood Services which sought approval (i) for a revised mechanism whereby the Cabinet would approve the annual programme of structural maintenance of roads and footways; and (ii) for the 2008/09 programme of structural maintenance of roads and footways.

Cabinet agreed:-

- (i) that Cabinet approve the annual programme of structural maintenance of roads and footways following consultation which included local Elected Members; and
- (ii) to approve the 2008/2009 programme of schemes for the structural maintenance of roads and footways as listed in Appendix I which had been informed by local input.

REORGANISATION OF SCOTTISH ENTERPRISE NETWORK - TRANSFER OF BUSINESS GATEWAY TO LOCAL AUTHORITIES

9. There was submitted a report dated 26 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support on proposed changes to the delivery of the Business Gateway Service and which sought approval for North Ayrshire Council to undertake the role of lead authority, acting on behalf of the three Ayrshire Councils in the Business Gateway contract.

Having heard from the Depute Chief Executive/Executive Director of Corporate Support that confirmation had now been received from North Ayrshire Council, as interim Local Authority that CoSLA had now reached agreement with the Government that the transfer of the Business Gateway to the Local Authorities be implemented now and separately from any decisions on local regeneration matters.

Cabinet agreed:-

- (i) to approve the proposal that North Ayrshire Council acts as "lead authority" on behalf of East Ayrshire Council for the transfer of the Business Gateway contract with Alba Smart Thinking Limited; and
- (ii) that a Service Level Agreement to protect the interests of this Council is concluded between East Ayrshire Council and North Ayrshire Council in respect of the Business Gateway contract.

MANAGEMENT AND RESOURCES

AFFILIATIONS TO OUTSIDE ORGANISATIONS 2008/09

- 10.** There was submitted a report dated 15 February 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited the Cabinet to consider the background, aims and objectives and activities, of those organisations which had sought association with, and affiliation of, the Council.

Cabinet agreed:-

- (i) to approve the applications, in principle, as detailed in Appendix I; and
- (ii) that the appropriate Departments make payment of the affiliation fees to those approved organisations.

Cabinet also agreed to note that the Chief Executive intended to authorise, under her delegated authority, the attendance of Councillor Hugh Ross as the Council's representative at a meeting of the Scotland Excel Joint Board on Friday 4 April 2008. Councillor Ross's appointment as this Council's representative had been recommended for approval, at the Special Meeting of Cabinet held on 26 March 2008 but still required to be approved by Council on 24 April 2008.

POLICY FOR HEALTH, SAFETY AND WELFARE AT WORK

- 11.** There was submitted a report dated April 2008 (circulated) by the Chief Executive which submitted for approval the Council's Policy on Health, Safety and Welfare at Work, in accordance with the statutory requirements of the Health and Safety at Work Etc Act 1974, Section 2(2).

Cabinet agreed:-

- (i) to approve the revised Policy on Health, Safety and Welfare at work;
- (ii) to remit to each Executive Director to implement the requirements of the Policy within their own areas of responsibility; and
- (iii) that the Policy be reviewed at regular intervals.

CORPORATE HEALTH AND SAFETY ACTION PLAN 2008/09

- 12.** There was submitted a report dated April 2008 (circulated) by the Chief Executive which reported progress on Corporate Health and Safety Action 2007/08 and which proposed a new Corporate Health and Safety Action Plan for the period 2008/09.

Cabinet agreed:-

- (i) to approve the proposed Health and Safety Action Plan 2008/09;
- (ii) to remit to each Executive Director to submit a Departmentally related Health and Safety Action Plan to Cabinet during April 2008;
- (iii) to note that the Chief Executive would consult with Spokespersons for Management and Resources to discuss quarterly progress reporting arrangements for Elected Members against the Plan and the provision of related statistical data, which would include reports to Cabinet and utilisation of the Members Information Portal, as appropriate; and

- (iv) to also note that provision would be made to include Elected Members in a briefing session on the Corporate Homicide Act 2007.

TREASURY MANAGEMENT ANNUAL STRATEGY REPORT FOR 2008/09

13. There was submitted a report dated 25 March 2008 (circulated) by the Executive Head of Finance and Asset Management which sought approval of the proposed Treasury Management Strategy for the financial year 2008/09 and the prudential indicators in relation to treasury activity which were required to be set and approved by the Council in advance of the financial year.

Cabinet agreed:-

- (i) to approve the Prudential Indicators set out in Paragraph 7.2 of the report; and
- (ii) otherwise, to note the contents of the report.

REVIEW OF PREVIOUSLY RINGFENCED GRANT

14. There was submitted a report dated 27 March 2008 (circulated) by the Chief Executive which advised of the review process and which sought approval for the establishment of a Member/Officer Review Panel, to carry out a review of projects which were funded by ringfenced grant prior to 2008/09 and where the funding is now rolled up as part of the Council's Block Grant.

Cabinet agreed:-

- (i) to note the proposed review process as detailed within Paragraph 4 of the report;
- (ii) that a Member/Officer Review Panel be established and that Elected Member representation include the Leader of the Council, as Chair, relevant Portfolio holders, who would be determined by the projects under review and Councillor Jackson, as Opposition Spokesperson on the Cabinet;
- (iii) to note that Elected Member involvement would include the Spokespersons for Management and Resources in terms of their portfolio interests;
- (iv) to remit arrangements for the review process to the Chief Executive, including appointment of relevant Officers to the Review Panel; and
- (v) otherwise, to note the contents of the report.

MANAGING ABSENCE - PILOT PROJECT FOR EMPLOYEE REFERRAL

15. There was submitted a report dated 25 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to the extension of the current Managing Absence Pilot which was currently underway in Facilities Management (Onsite Services) and consequently approval for the extension of the negotiated contract with the service provider Active Health Partners.

Cabinet agreed:-

- (i) to approve the recommendation that the current Absence Management Pilot be extended until 31 July 2008;
- (ii) to approve the extension of the existing contract with Active Health Partners; and

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

EXCLUSION OF PRESS AND PUBLIC

16. 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 relevant Paragraph of Schedule 7A of the Act as shown against each item".

EARLY RETIREMENT (PARA 1)

17. There was submitted a report dated 26 March 2008 (circulated) by the Chief Executive which sought approval of early retirement on the grounds of redundancy for one employee within the Department of Corporate Support.

Cabinet agreed to approve the early retirement on the grounds of redundancy as detailed in Appendix A to the report.

REVENUE MONITORING REPORT TO PERIOD 11 (10 FEBRUARY 2008) (PARA 8)

18. There was submitted and noted, following a presentation from the Executive Head of Finance and Asset Management, a report dated 18 March 2008 (circulated) by the Executive Head of Finance and Asset Management which advised of the projected financial position for Revenue Services based on expenditure to 10 February 2008 (Period 11) and information provided by Executive Directors.

The meeting terminated at 12 noon.