

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 23 FEBRUARY 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, Jim Todd, Robert McDill, Jim Roberts, Barney Menzies and Kathy Morrice; and Church Representatives Maria Dorrian and Iain Rennie.

ATTENDING: Fiona Lees, Chief Executive; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; 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; Chris McAleavey, Head of Housing; Ian McArthur, Health and Safety Manager; John Bryson, Head of Roads and Transportation; Andrew Sutherland, Head of Service: Schools; and Sharon McHarg, Administrative Officer.

APOLOGIES: Councillor Jim Buchanan; Parent Representative David Fraser and Teacher Representative Bryce Wilson.

CHAIR: Councillor Douglas Reid, Leader of the Council.

PROMOTING LIFELONG LEARNING**TEACHING SCOTLAND'S FUTURE - REPORT OF A REVIEW OF TEACHER EDUCATION IN SCOTLAND - GRAHAM DONALDSON**

- 1E.** There was submitted a report dated 25 January 2011 (circulated) by the Executive Director of Educational and Social Services which (i) updated on the recommendations of the recently published report on the Donaldson Review of Teacher Education titled: "Teaching: Scotland's Future" which made 50 recommendations relating to the quality, skills and leadership required of teachers in the 21st century; and (ii) sought approval of the involvement of the Department of Educational and Social Services in any further deliberation at national level arising as a result of the report.

Cabinet agreed:-

- (i) to approve the involvement of the Department of Educational and Social Services in any further review arising as a result of the recommendations; and
- (ii) otherwise, note the contents of the report.

PROPOSED SCHOOL HOLIDAY ARRANGEMENTS 2012/2013

- 2E.** There was submitted a report dated 9 February 2011 (circulated) by the Executive Director of Educational and Social Services which sought approval to consult with educational establishments, Parent Councils, the Chamber of Commerce, Churches and the Teachers' Unions on proposals for school holiday arrangements 2012/2013 as attached as Appendices 1-3 of the report.

Cabinet agreed:-

- (i) that the documents attached as Appendices 1-3 to the report be issued for consultation;
- (ii) that the Executive Director of Educational and Social Services produce a further report outlining the results of the consultation process; and
- (iii) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

REVIEW OF HEALTH AND SAFETY (Item 1E, Pages 1157 & 1158, 07/12)

- 3E.** There was submitted a report dated 16 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised of the final report, and recommendations, of the Review of the Council's Health and Safety Arrangements and which outlined the steps which had been taken to address the matters identified in the final report.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved that Cabinet agree:-

- (i) to note the outcomes of the follow up review by Peter Ralston;
- (ii) to note progress against the Improvement Plan which was developed as a result of the recommendations within the follow-up report;
- (iii) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to complete the full implementation of the Health and Safety Improvement Plan and to bring forward, the three year Health and Safety Road Map and to submit a further report to a Cabinet meeting in March 2011;
- (iv) that this report and the further report referred to at (iii), above, both be submitted together to a future meeting of the Governance and Scrutiny Committee; and
- (v) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment that in respect of (iv) above, this report be submitted to the Governance and Scrutiny Committee at this time with the further report referred to at (iii) above, being submitted when available.

On a division by a show of hands, the motion was carried by 10 votes to 2.

HEALTH AND SAFETY PERFORMANCE UPDATE REPORT 2010/2011: QUARTER 2 (Item 1E, Pages 1157 & 1158, 07/12)

- 4E.** There was submitted a report dated 16 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided a performance update on the operation of the Corporate Health and Safety Section in Quarter 2 of 2010/11.

Cabinet agreed:-

- (i) to note that under Paragraph 4.1 of the report, the total number of incidents should be +6.5% and not +5% as stated;

- (ii) to note the position in relation to Health and Safety at Quarter 2, 2010/2011 in comparison to Quarter 1, 2010/2011 and the comparative reporting periods in 2009/10;
- (iii) to note the pro-active and reactive management actions taken in respect of the matters identified;
- (iv) that the Depute Chief Executive/Executive Director of Neighbourhood Services continue to report to Cabinet regularly, the matters contained within the report with an additional element of training being added to the training matrix at Paragraph 7.5 of the report, namely Toolbox Training for Violence/Aggression at Work;
- (v) that this report and future reports be submitted to the Governance and Scrutiny Committee on a regular basis; and
- (vi) otherwise, to note the contents of the report.

ROYAL WEDDING HOLIDAY

5E. There was submitted a report dated 14 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which recommended to Cabinet arrangements to celebrate the wedding of His Royal Highness Prince William and Miss Catherine Middleton on Friday 29 April 2011, by designating that day as an additional public holiday for all Council employees.

Cabinet agreed:-

- (i) that Friday 29 April 2011 be designated as an additional holiday for all Council employees and that any employee required to work on that day be granted a day off in lieu at a later date; and
- (ii) otherwise, to note the contents of the report.

Church Representatives Maria Dorrian and Iain Rennie left the meeting at this point.

DELIVERING COMMUNITY REGENERATION

KILMARNOCK TOWNSCAPE HERITAGE INITIATIVE AND CONSERVATION AREA REGENERATION SCHEME - APPROVAL OF GRANT FUNDING PROCESS (Item 15, Page 1239, 07/12)

6.1 Declaration of Interest

Councillor Douglas Reid declared a non financial interest in respect of this item and intimated that the nature of the non-financial interest was not significant having considered the terms of the objective test as outlined in Paragraph 5.3 of the Councillors' Code of Conduct and accordingly did not withdraw from the meeting.

6.2 Consideration of Item

There was submitted a report dated 16 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to transfer delegated authority for the determination of Kilmarnock CARS grants from the Head of Planning and Economic Development to the Kilmarnock Townscape Heritage Initiative Partnership.

Cabinet agreed:-

- C** (i) to recommend to Council that delegated authority for approval of grant applications under the Kilmarnock CARS Scheme be transferred from the Head of Planning and Economic Development to the Kilmarnock Townscape Heritage Initiative Partnership; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay left the meeting during consideration of the above item.

IMPROVING COMMUNITY SAFETY

PROVISION OF “NO WAITING AT ANY TIME” RESTRICTIONS ON PORTLAND ROAD, PORTLAND PLACE AND SPRINGHILL GARDENS, KILMARNOCK

7. There was submitted a report dated January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to provide “No Waiting at Any Time” restrictions on both the north and south kerblines of Portland Road at the approach to the signalised junction with North Hamilton Street, Kilmarnock.

Cabinet agreed:-

- (i) to approve the proposal to introduce “No Waiting at Any Time” restrictions on both north and south kerblines of Portland Road at its junctions with North Hamilton Street, Springhill Gardens and Portland Place, Kilmarnock; and
- (ii) otherwise, to note the contents of the report.

Councillor Linton left the meeting following consideration of the above item.

THE CONTROL OF DOGS (SCOTLAND) ACT 2010

8. There was submitted a report dated 10 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of the Control of Dogs (Scotland) Act 2010 and the implications of the legislation in terms of new powers and duties of Local Authorities.

Cabinet agreed:-

- C** (i) to recommend that Council approve the authorisation of Officers within the Environmental Health Service for the administration and enforcement of the Council's powers and duties under the Act, being the Officers specified in Paragraph 4.3 of the report;
- (ii) to authorise the Head of Legal, Procurement and Regulatory Services to approve expenditure incurred in the discharge of the Council's powers and duties under the Act, and to provide a further update report to a future meeting of Cabinet advising on the implementation of the Act during 2011/12;
- (iii) that it be remitted to the Head of Legal, Procurement and Regulatory Services to make arrangements for appropriate training of staff; and
- (iv) otherwise, to note the contents of the report.

Councillors Iain Linton and Maureen McKay re-joined the meeting during consideration of the above item.

IMPROVING COMMUNITY HEALTH AND WELLBEING

RESHAPING CARE FOR OLDER PEOPLE (Item 7, Page 1359, 07/12)

9. There was submitted a report dated 15 February 2011 (circulated) by the Executive Director of Educational and Social Services (i) which advised of the progress in the development of the Reshaping Care for Older People Programme; (ii) provided information in respect of the Change Fund Guidance circulated by the Scottish Government on 23 December 2010; and (iii) sought endorsement of an initial Transformation Plan that sets out for East Ayrshire Community Planning Partnership an Investment and Implementation Strategy to utilise the resources allocated through the Change Fund in support of further progressing the Reshaping Care agenda.

Cabinet agreed:-

- (i) to note the aspirations of the older people in our community and the significant challenges posed by demography and diminishing resources;
- (ii) to note the opportunity that the "Change Fund" presents in progressing this agenda;
- (iii) to endorse the general principles and approach for an East Ayrshire Change Plan as outlined in Section 5 of the report;
- (iv) to receive further reports from the Executive Director of Educational and Social Services in respect of Reshaping Care as details of the programme including funding proposals are being developed; and
- (v) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

REVISED REDUNDANCY POLICY AND PROCEDURES (Item 5, Page 1235, 07/12)

10. There was submitted a report dated 10 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which recommended to Cabinet proposed changes to the Council's Redundancy Policy and Procedures following consultation with Trade Unions.

Cabinet agreed:-

- (i) to approve the revised Redundancy Policy and Procedures as attached to the report; and
- (ii) otherwise, to note the contents of the report.

Councillor Iain Linton left the meeting during consideration of the above item.

MINUTES OF CENTRAL JOINT CONSULTATIVE COMMITTEE

11. There was submitted and noted the Minutes of the meeting of the Central Joint Consultative Committee held on 3 February 2011 (circulated).

EXCLUSION OF PRESS AND PUBLIC

12. 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”.

**SEVERANCES AND UPDATE ON THE COUNCIL’S REDUNDANCY
PAYMENTS SCHEME (PARA 1)**

13. There was submitted a report dated 16 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which (i) sought Cabinet’s approval of severance arrangements relating to two employees in the Department of Finance and Corporate Support; one employee in the Chief Executive’s Office; seven employees in the Department of Educational and Social Services and twenty employees in the Department of Neighbourhood Services; and (ii) advised of the number of employees who had left the Council’s service under the Council’s Redundancy Payment Scheme via the Head of Human Resources’ delegated authority.

Cabinet agreed:-

- (i) to approve the voluntary severance arrangements as detailed in Appendices A and B of the report;
- (ii) to note the number of employees who would leave the Council’s service on the grounds of redundancy in terms of the Head of Human Resources’ delegated authority as detailed in Appendix C to the report; and
- (iii) otherwise, to note the contents of the report.

**REQUESTS FOR EARLY RETIREMENT (WITHOUT ENHANCEMENT)
(PARA 1)**

14. There was submitted a joint report dated 8 February 2011 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Finance and Corporate Support which informed that twelve teachers in the Primary, Secondary and East Additional Support Team Sectors within the Department of Educational and Social Services had been allowed to retire early without enhancement from the Council’s service as per the delegated authority of the Executive Director of Educational and Social Services.

Cabinet agreed:-

- (i) to note the early retirement arrangements as detailed in Appendix A to the report; and
- (ii) otherwise, to note the contents of the report.

**TEACHER REFRESH SCHEME - REQUESTS FOR EARLY RETIREMENT WITH 2
YEARS ENHANCEMENT (PARA 1)**

15. There was submitted a joint report dated 9 February 2011 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Finance and Corporate Support which sought approval for Teachers in the Department of Educational and Social Services to retire from the Council’s service under the terms of the Teachers (Compensation for Premature Retirement) (Scotland) Regulations 1997.

Cabinet agreed:-

- (i) to approve the early retirement arrangements as detailed in Appendices A and B of the report; and
- (ii) otherwise, to note the contents of the report.

PROPOSED MINUTE OF AGREEMENT WITH ZURICH ASSURANCE LIMITED IN CONNECTION WITH THE PROPOSED SURRENDER OF THE EXISTING SUB-LEASE AND RE-LETTING OF UNIT 20 BURNS MALL, KILMARNOCK (PARA 9)

16. There was submitted a report dated 21 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which sought Cabinet approval (i) to grant Landlord's consent to enable Zurich Assurance Limited to enter into a Surrender Agreement in respect of the existing tenancy and to enter into a new sub-lease of Unit 20, Burns Mall, Kilmarnock; (ii) to fund the Council's financial contribution associated with the sub-letting of Unit 20 from the Repairs and Renewals Fund; and (iii) to enter into a Minute of Agreement with Zurich Assurance Limited to regulate the procedure for paying the Council's share of the costs associated with the sub-letting of Unit 20.

Cabinet agreed:-

- (i) to Landlord's consent being granted to allow the Head Tenant to enter into a Surrender Agreement in respect of the existing tenancy and to enter into a new sub-lease with Poundworld Retail Limited, T/A Poundworld in respect of Unit 20, Burns Mall, Kilmarnock, under the terms and conditions identified within Paragraph 4.4 of the report;
- (ii) to authorise the Solicitor to the Council to enter into a formal Minute of Agreement with Zurich Assurance Limited to regulate the procedure for paying the Council's share of the costs associated with the sub-letting of Unit 20, Burns Mall, Kilmarnock; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1245 hours.