

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 22 OCTOBER 2008 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, John MacKay, John Knapp, Hugh Ross, Robert McDill, 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; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Martin Rose, Head of Human Resources; Andrew Sutherland, Head of Schools; Andy MacDonald, Performance and Development Manager, Educational and Social Services; Paul Todd, Principal Officer, Environmental Health and Licensing; Melanie Barbour, Solicitor; and Christine Baillie, Administrative Officer.

**APOLOGIES:** Councillors Iain Linton, Jim Buchanan and Jim Todd and Church Representative Dr Ivy Barclay.

**CHAIR:** Councillor Douglas Reid, Chair.

**CHAIR'S REMARKS**

1. The Chair welcomed to the meeting Councillor John Knapp, newly appointed Leader of East Ayrshire Labour Group and Leader of the Opposition and Lynne Buchanan, the Council's newly appointed Communication and Customer First Manager.

**LIFELONG LEARNING****FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 6  
(21 SEPTEMBER 2008)**

- 2E. There was submitted a report dated 15 October 2008 (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 21 September 2008 (Period 6) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to note the re-profiling of budget allocations as detailed in Paragraph 2.14 of the report;
- (ii) to approve the proposals to fund the procurement of a fuel and Adblue tank for Western Road on a "spend to save" basis as detailed in Paragraph 2.16 of the report;
- (iii) to approve the re-allocation of capital budgets for the Darvel Town Hall heating system of £0.070m as detailed in Paragraph 2.17 of the report and

£0.050m from Finance and Asset Management balances for Gargieston Primary School as detailed in Paragraph 2.18 of the report (improved security fencing);

- (iv) that, notwithstanding the decision taken at (iii) above, prior to any installation of the security fence, the Executive Director of Educational and Social Services arrange for consultation to take place between Local Members, the local Community Council and interested parties regarding the siting of the fence at Gargieston Primary School;
- (v) to approve the re-allocation of balances as detailed in Paragraph 3.1 of the report;
- (vi) to approve the utilisation of savings within HRA budget for additional CFGR/Planned Maintenance works within HRA as detailed in Paragraph 4.2 of the report; and
- (vii) otherwise, to note the contents of the report.

**EAST AYRSHIRE CHILDREN AND YOUNG PEOPLE'S SERVICES PLAN: (i) ANNUAL REVIEW OF PERFORMANCE 2007/08; AND (ii) PLAN FOR 2008/2011**

- 3E.** There was submitted a report dated 2 October 2008 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet for (i) East Ayrshire's 2007/08 Annual Performance Review of the East Ayrshire Children and Young People's Services Plan 2005-2008 and (ii) which sought approval for the 2008/2011 Plan.

Cabinet agreed:-

- (i) to approve East Ayrshire's 2007/08 Annual Review of the East Ayrshire Children and Young People's Services Plan 2005-2008;
- (ii) to approve the 2008/2011 Children and Young People's Services Plan; and
- (iii) otherwise, to note the contents of the report.

**CURRICULUM FOR EXCELLENCE: CONSULTATION ON NATIONAL QUALIFICATIONS IN SCOTLAND**

- 4E.** There was submitted a report dated 10 October 2008 (circulated) by the Executive Director of Educational and Social Services which advised Cabinet of the consultation taken place in East Ayrshire on the National Qualifications proposals published by the Scottish Government.

Cabinet agreed:-

- (i) to approve the East Ayrshire Council response to the Consultation on National Qualifications; and
- (ii) 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**

### **TOBACCO SALES ENFORCEMENT**

5. There was submitted a report dated 29 September 2008 (circulated) by the Head of Legal, Procurement and Regulatory Services which advised Cabinet of recent changes in policy by the Lord Advocate to allow the use of young people to test purchase age restricted products, including cigarettes, and which sought Cabinet decision on policy on the use of minors for such purposes.

Cabinet agreed:-

- (i) to approve the proposed change of policy in respect of use of minors for test purchasing of cigarettes and other age restricted products; and
- (ii) that the Executive Director of Corporate Support consider and implement any or all of the options summarised in Paragraph 5.4 of the report, for recruitment of volunteers as most appropriate and to give consideration to how best to recognise volunteers participation in the scheme.

### **GRANT FUNDING APPLICATION: KEEPING INCLUDED (KIN) - FAMILY ACTION CARERS FORUM**

6. There was submitted a report dated 7 October 2008 (circulated) by the Executive Director of Educational and Social Services which advised Cabinet of a grant application made by KIN and which made recommendations accordingly.

Cabinet agreed:-

- (i) to approve the funding request of £1,000.00; and
- (ii) otherwise, to note the contents of the report.

### **SOCIAL WORK SERVICES BUDGET SUSTAINABILITY STRATEGY - PROGRESS REPORT**

7. There was submitted a report dated 7 October 2008 (circulated) by the Executive Director of Educational and Social Services which informed Members of the Cabinet on progress in relation to the development of the Social Work Services Budget Sustainability Strategy and which made recommendations accordingly.

Cabinet agreed:-

- (i) to note the progress in relation to the work streams;
- (ii) to establish a short-term Member/Officer Working Group to consider specifically site options for the new replacement children's home and report to Cabinet on 17 December 2008;
- (iii) that the Member/Officer Working Group comprise of four Elected Members (2/1/1), the names to be reported to the next meeting of Cabinet;
- (iv) to remit to the Executive Director of Corporate Support to carry out market testing for external provision of residential social care, the results of which to be provided to the Member/Officer Working Group for consideration prior to their final recommendations to Cabinet on 17 December 2008; and
- (v) that in terms of consideration of the wider corporate parenting issues, a Seminar for Elected Members and as appropriate the Council's Community

Planning Partners be organised and the outcomes of the Seminar also be reported back to Cabinet for consideration.

Councillor John Knapp moved an alternative proposal in terms of the membership of the Member/Officer Working Group, decision (iii) above, which failed to receive a seconder and it was agreed that his dissent to this decision be recorded.

## **ENVIRONMENT AND REGENERATION**

### **CORPORATE ENFORCEMENT UNIT UPDATE**

8. There was submitted a report dated 6 October 2008 (circulated) by the Head of Legal, Procurement and Regulatory Services which advised Cabinet of progress made in the establishment of a Corporate Enforcement Unit to co-ordinate the operation of Statutory enforcement duties involving the issuing of Fixed Penalty Notices and related activity.

Cabinet agreed:-

- (i) to note the progress in establishing the Corporate Enforcement Unit in terms of staffing, training, authorisations, procedures and initiatives;
- (ii) to approve the multi service involvement in the enforcement initiatives as detailed in Appendix I to the report; and
- (iii) otherwise, to note the contents of the report.

### **SEAGULL CONTROL UPDATE**

9. There was submitted a report dated 6 October 2008 (circulated) by the Head of Legal, Procurement and Regulatory Services which advised Cabinet of progress with the Seagull Control programme.

Cabinet agreed:-

- (i) to continue with the enhanced approach to the seagull problem;
- (ii) to note the revised approach to seagull control by incorporating and combining various proposals and removing the necessity for an in depth survey of seagull activity;
- (iii) not to proceed with the proofing of Council buildings at the present time; and
- (iv) otherwise, to note the contents of the report.

### **CONVERSATION AREA REGENERATION SCHEME (CARS) FOR CUMNOCK AND CONSERVATION AREA APPRAISAL**

10. There was submitted a report dated 6 October 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support (i) which asked Cabinet to homologate the submission of the Cumnock CARS bid; approve the identification of priority buildings and areas for improvement within Cumnock Town Centre; to confirm the Council's financial commitment to the scheme; and to approve the draft Conservation Area Appraisal for consultation; and (ii) which sought approval for the creation of a new post (for an initial period of three years) to implement the Cumnock CARS within the Planning and Economic Development Division of the Department of Corporate Support, subject to consultation with Trade Unions. The staffing proposal

only required to be implemented in the event of the Cumnock CARS bid being successful.

Cabinet agreed:-

- (i) to homologate the submission of the Cumnock CARS bid as detailed in Paragraph 3 of the report;
- (ii) to allocate £273,050 of funding from the Department of Corporate Support General Fund Balances to the Cumnock CARS between 2009/2010 and 2013/2014;
- (iii) to approve the Cumnock Conservation Area Appraisal for consultation purposes; and
- (iv) to approve the staffing proposal contained in Paragraphs 5, 6 and 7 of the report, subject to the approval of the Cumnock CARS bid by Historic Scotland, and consultation with Trade Unions.

### **EXCAMBION OF LAND ADJACENT TO DRONGAN CEMETERY**

11. There was submitted a joint report dated 13 October 2008 (circulated) by the Executive Head of Finance and Asset Management and the Executive Director of Neighbourhood Services declaring surplus to requirements land extending to 2,622 square metres or thereby, as shown hatched on the plan attached to the report, authorised the disposal of same to Kraigshield Homes Ltd and to authorise the acquisition of land extending to 1,608 square metres or thereby, shown cross-hatched on the plan attached to the report from Kraigshield Homes Ltd.

Cabinet agreed:-

- (i) to declare surplus to requirements land extending to 2,622 square metres or thereby, as shown hatched on the plan attached to the report and to authorise the disposal of same to Kraigshield Homes Ltd;
- (ii) to authorise the acquisition of land extending to 1,608 square metres or thereby shown cross hatched on the attached plan from Kraigshield Homes Ltd; and
- (iii) to authorise the Solicitor to the Council to conclude the transaction.

### **MANAGEMENT AND RESOURCES**

#### **TREASURY MANAGEMENT ANNUAL REPORT FOR 2007/2008 AND UPDATE ON 2008/2009 STRATEGY**

12. There was submitted a report dated 11 October 2008 (circulated) by the Executive Head of Finance and Asset Management which informed Cabinet of the treasury activity for the financial year ended 31 March 2008. The report also covered the actual Prudential Indicators for 2007/2008 in accordance with the requirements of the Prudential Code, and provided an update on the 2008-2009 Treasury Management Strategy.

Cabinet agreed:-

- (i) to approve the change in policy that in the first instance surplus funds would be placed only with UK banks and other UK financial institutions who were

participating in the government backed recovery plan together with central government, Local Authorities and other public sector organisations;

- (ii) to note that the policy would continue to be reviewed on a daily basis to respond to changes in the financial market; and
- (iii) otherwise, to note the contents of the report.

### **EXCLUSION OF PRESS AND PUBLIC**

13. 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 Paragraph 1 of Schedule 7A of the Act".

### **ADJOURNMENT/RECONVENTION OF MEETING**

14. The meeting adjourned at 1215 hours and reconvened at 1220 hours with the same Members and Fiona Lees, Chief Executive, Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support, Graham Short, Executive Director of Educational and Social Services, Alex McPhee, Executive Head of Finance and Asset Management, Bill Walkinshaw, Head of Democratic Services, Martin Rose, Head of Human Resources, David Mitchell, Head of Legal, Procurement and Regulatory Services, Andrew Sutherland, Head of Schools, Melanie Barbour, Solicitor, and Christine Baillie, Administrative Officer, present and in attendance.

### **SEVERANCE ARRANGEMENTS**

15. There was submitted a report dated 3 October 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of severance arrangements for two employees within the Department of Educational and Social Services.

Cabinet agreed to approve the severance arrangements as detailed in the Appendix to the report.

### **LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS EMPLOYERS DISCRETION**

16. There was submitted a report dated 3 October 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked Cabinet to consider a request from a former employee for the Council to use its discretion under the Pension Regulations to authorise early payment of deferred pension benefits on compassionate grounds.

Cabinet agreed not to use its discretion under the Pension Regulations to authorise early payment of the former employee's deferred pension benefits due to the 'strain on the fund costs' associated with the request, which cannot be met within the current budgetary provision.

**REQUEST FOR EARLY RETIREMENT IN THE INTERESTS OF  
THE EFFICIENCY OF THE SERVICE**

**17.1 Declaration of Interest**

Councillor Jim Roberts declared a non-financial interest in the undernoted item, in accordance with Paragraphs 5.17 and 5.18 of the Councillors Code of Conduct, and left the meeting.

**17.2 Consideration of Item**

There was submitted a joint report dated 8 September 2008 (circulated) by the Executive Director of Educational and Social Services and the Solicitor to the Council which sought approval for a teacher in the Educational and Social Services Department to leave the Council's service in the interests of the efficiency of the service.

Cabinet agreed:-

- (i) to approve that a teacher in the Educational and Social Services Department retire early in the interests of the efficiency of the service with immediate effect;
- (ii) to approve the terms of the financial settlement as detailed in the report; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1305 hours.