

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 21 OCTOBER 2009 AT 1000 HOURS IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE, KAY PARK, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, John McGhee, Maureen McKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts and Kathy Morrice; Church Representative Bill McGregor; Parent Representative David Fraser; and Teacher Representative Bryce Wilson.

ATTENDING: 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; John Griffiths, Head of Leisure; John Bryson, Head of Roads and Transportation; Eddie Fraser, Head of Service: Community Care; Karl Doroszenko, Development, Planning and Regeneration Manager; John Wilson, Links Officer in the Arts and Education; Lynne Buchanan, Communication and Customer First Manager; and Christine Baillie, Senior Administrative Officer.

CHAIR: Councillor Douglas Reid, Leader of the Council for Items 1-10 and 17-24 and Councillor Iain Linton, Depute Leader of the Council for Items 11-16.

CHAIR'S REMARKS

1. The Chair welcomed Councillor John McGhee to his first Cabinet meeting.

LIFELONG LEARNING**PRIORITIES FOR RAISING ATTAINMENT IN EAST AYRSHIRE SCHOOLS AND EARLY YEARS' ESTABLISHMENTS 2009-2012 "LEARNING WITH CONFIDENCE"**

- 2E. There was submitted a report dated 16 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet approval, under the auspices of the Council's declared priority of "raising attainment", for a range of key priorities designed to increase attainment across East Ayrshire education establishments

Cabinet agreed:-

- (i) to approve the educational priorities as detailed in paragraphs 11-15 in the report as the benchmark for resourcing and measuring increased attainment in schools and early years' establishments during session 2009-2010;
- (ii) to approve the models of reporting progress as detailed in paragraph 16 of the report;
- (iii) to approve the dissemination, communication and monitoring strategy as detailed in paragraph 19 of the report;

- (iv) to approve the proposal to establish a full set of Curricular Guidelines (3-18) based on individual education entitlements; and
- (v) otherwise, to note the contents of the report.

It was further noted that appropriate training in terms of education's structure, operation and services would be arranged for the Church, Parent and Teacher Representatives.

YOUTH MUSIC INITIATIVE AND INSTRUMENTAL MUSIC SERVICE

- 3E.** There was submitted a report dated 1 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for a further year of Youth Music Initiative activity based on the recent successful funding application to the Scottish Arts Council and which updated Cabinet on the range of music opportunities offered through the Instrumental Music Service.

Cabinet agreed:-

- (i) to note that in connection with paragraph 5.3 of the report, East Ayrshire had, for a fifth consecutive year, been recognised by the National Music Council of Great Britain and been awarded the prestigious Diploma of Merit;
- (ii) to approve the programmes of musical activities as detailed in the year 7 Youth Music application;
- (iii) to note the external funding available to support this initiative;
- (iv) that the Executive Director of Educational and Social Services keep Cabinet informed of future developments; and
- (v) otherwise, to note the contents of the report.

INSTRUCTIONAL BARRIERS TO CHILDREN'S LITERACY DEVELOPMENT: LESSONS FROM THE PROGRESS IN INTERNATIONAL READING LITERACY STUDY (PIRLS) 2006

- 4E.** There was submitted a report dated September 2009 (circulated) by the Executive Director of Educational and Social Services which advised Cabinet of the findings of a primary school based literacy research project funded by East Ayrshire Council and the University of Strathclyde.

Cabinet agreed:-

- (i) to approve the roll out of the approaches developed through the research project;
- (ii) that the Executive Director of Educational and Social Services provide updates on the impact of the literacy intervention at appropriate intervals; and
- (iii) otherwise, to note the contents of the report.

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIVERSITY OF THE WEST OF SCOTLAND AND EAST AYRSHIRE COUNCIL

- 5E.** There was submitted a report dated 29 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet support for a proposed Memorandum of Understanding between the University of the West of Scotland and East Ayrshire Council which had been designed to establish a co-operative relationship for the benefit of the Authority and the University.

Cabinet agreed:-

- (i) to approve the establishment of a Memorandum of Understanding between the University of the West of Scotland and East Ayrshire Council;
- (ii) that the Executive Director of Educational and Social Services update Cabinet periodically, on the progress in relation to the Memorandum of Understanding; and
- (iii) otherwise, to note the contents of the report.

TAPESTRY/HARVARD TEACHING FOR UNDERSTANDING “LEADERS OF LEARNING”

- 6E.** There was submitted a report (circulated) by the Executive Director of Educational and Social Services which updated Cabinet on the development of the ongoing partnership with Tapestry through the Harvard Teaching for Understanding (TfU) and Tapestry Leaders of Learning Programme and which sought approval for the continued development of these partnerships which supported Curriculum for Excellence (CfE) and the raising attainment agenda.

Cabinet agreed:-

- (i) to approve the continued partnership with Tapestry;
- (ii) that the Executive Director of Educational and Social Services keep Cabinet informed of future progress of the Harvard/Tapestry TfU/Leaders of Learning programme and the impact on CfE of the raising attainment agenda; and
- (iii) otherwise, to note the contents of the report.

DETERMINED TO SUCCEED ENTERPRISE IN EDUCATION

- 7E.** There was submitted a report dated 7 October 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for the continued development of Enterprise in Education, including the partnership with the Ayrshire Chamber of Commerce and Industry through the Determined to Succeed Programme.

Cabinet agreed:-

- (i) to approve the continuation of support to establishments in taking forward Determined to Succeed as an integral support to Curriculum for Excellence within the ringfenced funding;
- (ii) that the Executive Director of Educational and Social Services keep Cabinet informed of future progress; and
- (iii) otherwise, to note the contents of the report.

**FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 6
(20 SEPTEMBER 2009)**

8E. There was submitted a report dated 8 October 2009 (circulated) by the Executive Director of Finance and Asset Management which advised Members of the projected financial position for the year based on expenditure to 20 September 2009 (Period 6) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to note that the Executive Head of Finance and Asset Management would arrange in the first instance a Seminar for Elected Members on the new Performance Management System and that a report on roll-out arrangements would be submitted to Cabinet;
- (ii) to note the earmarking of £0.325M to be carried forward as detailed at paragraph 3.2 was no longer required;
- (iii) to approve the utilisation of savings within the Housing Revenue Account (HRA) budget for additional Capital Funded from Current Revenue/planned maintenance works within HRA as detailed at paragraph 5.1 of the report;
- (iv) to note the re-profiling of budget allocations as detailed in paragraph 7.2 of the report;
- (v) to approve accelerated capital spend of £0.400M into 2009/10 to cover the additional costs in relation to the back-up data centre and £0.110M in 2010/11 for equipment costs in relation to the main data centre from the IT 10 year Capital Budget Allocation as detailed in paragraph 7.4 of the report;
- (vi) to approve the reallocation of capital budgets in respect of the Cycling, Walking and Safer Streets programme as detailed in paragraph 7.5 of the report;
- (vii) to approve the reallocation of capital budgets in respect of the Rural Improvement Schemes as detailed in paragraph 7.6 of the report;
- (viii) to approve the reallocation of capital budgets in respect of the Bridges and Culvert Strengthening programme as detailed in paragraph 7.7 and 7.8 of the report;
- (ix) to approve the construction of a new footbridge in relation to the Kilmarnock Athletics Facilities project from within existing resources as detailed in paragraph 7.9 of the report; and
- (x) otherwise, to note the contents of the report.

BUDGET 2010/11-2012/13 - OUTLINE STRATEGY

9E. There was submitted a report dated 29 September 2009 (circulated) by the Executive Head of Finance and Asset Management which proposed a strategy for the preparation of the Council's three year revenue budget for 2010/11-2012/13.

Cabinet agreed:-

- (i) to approve the strategy, timetable and consultation arrangements as detailed in the report notwithstanding, that the announcement of grant by the Scottish Government was expected by end of November 2009 and not October 2009;

- (ii) that the support of an appropriately qualified and experienced facilitator to support strategic direction discussions would be available to the three political groups;
- (iii) to approve the arrangements detailed in the report for enhanced engagement with employees, community groups and partner organisations;
- (iv) to approve the engagement of external support for the SRRB2 process; and
- (v) otherwise, to note the contents of the report.

The Chief Executive advised at this point that a Special Cabinet meeting would be held next week to discuss East Ayrshire's bid to the Scottish Government for capital funding for the development of its primary school estate.

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

COMMUNITY WELLBEING

REPORT ON THE REVIEW OF THE COUNCIL'S WINTER EMERGENCY RESPONSE POLICY (Item 7, Page 8361, 07/12)

- 10.** There was submitted a report dated 6 October 2009 (circulated) by the Executive Director of Neighbourhood Services which presented the outcome report by Members of the Governance and Scrutiny Committee on their recent review of the Council's Winter Emergency Response Policy and which invited Cabinet to agree the recommendations contained within the report.

Cabinet agreed:-

- (i) having given due consideration to the findings of the Governance and Scrutiny Committee and the related recommendations as detailed in paragraph 9, pages 8 and 9 of the report, to approve the adoption of the recommendations; and
- (ii) to notify the Governance and Scrutiny Committee of its proposals.

Councillors Douglas Reid and John MacKay left the meeting at this point and Councillor Iain Linton, accordingly, took the Chair.

EAST AYRSHIRE ATHLETICS FACILITY PROGRESS (Item 2, Pages 600,601, 07/12)

- 11.** There was submitted a report dated 15 October 2009 (circulated) by the Executive Director of Neighbourhood Services which updated Cabinet on progress with the development of a state of the art athletics facility in Kilmarnock and the proposal to purchase land required to build the facility at Queens Drive, Kilmarnock from the Royal Incorporation of the Buchanan Bequest.

Cabinet agreed:-

- (i) to note that the Head Teacher at Kilmarnock Academy had been invited to become a member of the project team;
- (ii) to note the location details and outline specification for the new athletics facilities at Queens Drive, Kilmarnock;

- (iii) to note that procedures to the requirement for Cabinet to acquire land at Queens Drive, Kilmarnock extending to 3.21 acres or thereby, from the Royal Incorporation of the Buchanan Bequest had commenced;
- (iv) to remit to the Executive Director of Neighbourhood Services to bring full details of the new facilities and associated costs to Cabinet as soon as possible; and
- (v) otherwise, to note the contents of the report.

SWIA PERFORMANCE INSPECTION ACTION PLAN

- 12.** There was submitted a report dated 25 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet approval of the action plan prepared in response to the Social Work Inspection Agency (SWIA) performance inspection of Social Work Services.

Cabinet agreed:-

- (i) to approve the action plan; and
- (ii) to approve the use of the SWIA Guide to Self Evaluation.

CONSULTATION: THE ROLE OF THE REGISTERED SOCIAL WORKER IN CONTRIBUTING TO BETTER OUTCOMES FOR SCOTLAND: GUIDANCE FOR LOCAL AUTHORITIES

- 13.** There was submitted a report dated 15 October 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval of a response from East Ayrshire Council to the public consultation with respect to proposed Guidance for Local Authorities on the Role of the Registered Social Worker in Contributing to Better Outcomes for Scotland.

Cabinet agreed:-

- (i) to note the consultation response;
- (ii) to approve submission of the response on behalf of East Ayrshire Council to the Scottish Government; and
- (iii) otherwise, to note the contents of the report.

SOCIAL WORK SUSTAINABILITY (Item 3.2, Pages 755, 756, 07/12)

- 14.** There was submitted a report (circulated) by the Executive Director of Educational and Social Services which advised of progress in the Social Work Sustainability Programme and specifically progress towards the initial objectives in the Community Care elements of the programme and which sought approval of the proposed changes to the management arrangements for the Community Care Service and the resource implications of associated changes.

Cabinet agreed:-

- (i) to approve the development proposals of Home Care Management arrangements as detailed in paragraph 3.5 of the report;
- (ii) to approve the development proposals of Community Care Management arrangements as detailed in paragraph 6 of the report;

- (iii) to approve the proposal to set an efficiency target for Mental Health Partnership of £1M to be reinvested to contribute towards identified need within Social Work Services;
- (iv) to note the resultant 2010/2011 resource gap as detailed in paragraph 4.5 of the report of £0.4M for the Mental Health Partnership;
- (v) to approve the proposal as detailed at paragraph 4.4 of the report to demolish the existing Carrick View and Kerrmuir buildings and to declare the site surplus to departmental requirements;
- (vi) to authorise officers to consider use of the available capital allocation towards the priorities as detailed in paragraph 4.2 of the report; and
- (vii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

BRIDGES CAPITAL CONTRACT

- 15.** There was submitted and noted a report dated 6 October 2009 (circulated) by the Executive Director of Neighbourhood Services which advised Members of the contractual outturn price for the scheme to strengthen the Millmannoch Bridge, near Drongan.

PROCEDURES FOR THE OPERATION OF THE RENEWABLE ENERGY FUND DISCUSSION PAPER (Item 1.1, Pages 196, 197, 07/12)

- 16.** Councillor McDill, seconded by Councillor Linton, moved that this item be continued to the next Cabinet meeting in order that a number of issues relating to recent additional information received by Elected Members from other Authorities could be incorporated into the report for consideration and discussion.

Councillor Maureen McKay, seconded by Councillor John McGhee, moved as an amendment to, in principle, support the recommendations in the report as detailed below:-

- (i) to approve the proposals for the ingathering of contributions to the Renewable Energy Fund as detailed in paragraph 3 of the report;
- (ii) that the proposed principles for the disbursement of the Renewable Energy Fund as detailed in paragraph 4 of the report be used as a basis for discussion/consultation with Community Representatives;
- (iii) that the proposals for the operation of the Renewable Energy Fund as detailed in paragraph 5 of the report be used as a basis for discussion/consultation with Community Representatives;
- (iv) that, in relation to recommendations (ii) and (iii) above, the outcome of the consultation be reported to CMT and, thereafter to Cabinet, if required;
- (v) to note the various manpower, workload and financial implications that were likely to arise from the implementation of the Renewable Energy Fund and that as part of any Section 75 Agreement discussions Council Officers should include a clause to the effect that a proportion of any contributions received should be used to pay for legitimate costs of the Renewable Energy Fund;

- (vi) to note the obligations provided by the existing Section 75 Agreement regarding the Whitelee Windfarm as they related to the dispersal of the Renewable Energy Fund as detailed in paragraph 5 of the report; and
- (vii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to submit a further report, within one calendar year, to update Cabinet on the state of the fund, provide a summary of the community projects supported and any manpower and personnel issues that had arisen.

On a division by a show of hands the motion was carried by 7 votes to 2.

Councillors Douglas Reid and John MacKay re-joined the meeting at this point and Councillor Reid re-took the Chair.

KILMARNOCK TOWN CENTRE REGENERATION (Item 17, Page 685, 07/12)

17. There was submitted a report dated 15 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which set out, for Members' consideration, projects which were proposed to be funded using the capital allocation set aside to assist the regeneration of Kilmarnock Town Centre.

Cabinet agreed:-

- (i) to approve the distribution of funds to the individual projects from the Capital Investment Programme's allocation of £21M to Kilmarnock Town Centre Regeneration as detailed in the table at paragraph 4.1 of the report;
- (ii) to remit the responsibility for progressing the various projects to the Lead Department/Service as detailed in the table at paragraph 4.1 of the report;
- (iii) that the Executive Head of Finance and Asset Management be given specific authority to negotiate with the developer of the Strand Street building over the remaining fit out costs in terms of Section 20(I) of the Council's Standing Orders within the cash limits as detailed in paragraph 3.3.2 of the report;
- (iv) that the Executive Head of Finance and Asset Management be authorised to approve virement of up to 15% between projects within the overall £20.500M Regeneration Capital limit; and
- (v) otherwise, to note the contents of the report and to note that further reports would be submitted on the progress of individual projects as appropriate.

MANAGEMENT AND RESOURCES

CHIEF OFFICERS, LOCAL GOVERNMENT EMPLOYEES, CRAFT OPERATIVE, LOCAL GOVERNMENT PENSION SCHEME EMPLOYERS' DISCRETIONS

18. There was submitted a report dated 6 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of proposed revisions to the Council's current Statement of Policy of Employers' Discretions which were required as a result of the Local Government (Discretionary Payments and Injury Benefits) (Scotland) Amendment Regulations 2009, subject to consultation with Trade Unions.

Cabinet agreed, that subject to consultation with Trade Unions, to approve the changes to the Statement of Policy of Employers' Discretions, as detailed in the report.

**TREASURY MANAGEMENT ANNUAL REPORT FOR 2008/09 AND
UPDATE ON 2009/10 STRATEGY**

19. There was submitted and noted a report dated 8 October 2009 (circulated) by the Executive Head of Finance and Asset Management which informed Cabinet of the treasury activity for the financial year ended 31 March 2009. The report also covered the actual prudential indicators for 2008/09 in accordance with the requirements of the Prudential Code and provided an update on the 2009/10 treasury management strategy.

EXCLUSION OF PRESS AND PUBLIC

20. 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 SALE OF GROUND AT SKERNIELAND ROAD, FENWICK TO
KILMARNOCK LAND COMPANY LIMITED (PARA 9) (Item 7, Page 862, 07/12)**

21. Members noted that at the last meeting of Cabinet it had been agreed to continue consideration of this item to this meeting to allow Officers to further discuss the various issues raised concerning the report with the Council's Spokespersons for Management and Resources. Accordingly, a meeting took place on 15 October 2009 and an update was provided at the meeting by the Head of Legal, Procurement and Regulatory Services.

Cabinet agreed, that the 10, or more, affordable housing units as detailed in paragraph 3.10 of the report should require to be made available for rent and not for sale, and thereafter to approve the sale of 2.46 hectares (6.093 acres) or thereby of ground at Skernieland Road, Fenwick, all shown hatched on the plan attached to the report, to the company identified in the report on the revised terms and conditions as detailed in paragraph 8 of the report and on the remaining terms and conditions previously approved by Cabinet on 24 January 2008 subject to the consent of the Scottish Government in terms of Section 12(7) of the Housing (Scotland) Act 1987 and to authorise the Solicitor to the Council to conclude matters on behalf of the Council.

Councillor John MacKay left the meeting during discussion of the above item.

**CORPORATE OFFICE ACCOMMODATION STRATEGY (PARA 9)
(Item 9, Page 474, 07/12)**

22. There was submitted a report dated 14 October 2009 (circulated) by the Executive Head of Finance and Asset Management which set out a proposed Corporate Office Accommodation Strategy which aimed both to assist the regeneration of Kilmarnock and Cumnock Town Centres and to promote efficient use of accommodation for the delivery of services in these areas.

Cabinet agreed:-

- (i) to approve the proposed Office Accommodation Strategy;

- (ii) to approve the purchase of the Hill Street office from Scottish Enterprise;
- (iii) to remit authority to officers to negotiate with the owners of the property detailed in paragraph 4.1.2 of the report in terms of a potential office development and that officers report back to Cabinet on the outcome of these negotiations for consideration by Cabinet;
- (iv) otherwise, to note the contents of the report.

Councillor Jim Buchanan left the meeting at this point.

ENHANCED REDUNDANCY PAYMENTS FOR TEACHERS (PARA 1)

- 23.** There was submitted a joint report dated 8 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval of Cabinet to operate an enhanced redundancy payment scheme on a discretionary basis to give teachers a maximum of 66 weeks pay as a redundancy payment. This discretion was permitted under Part III, Section 6 of the 1997 Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Amendment Regulations. On this basis approval was sought for a teacher in the Educational and Social Services Department to leave the Council's service under the terms of Part III, Section 6 of the 1997 Regulations on Teachers' Redundancy.

Cabinet agreed:-

- (i) to adopt discretionary redundancy payments scheme for teachers as detailed in paragraph 2.1 of the report;
- (ii) to approve that an employee in the Educational and Social Services Department leave the Council's service under the terms of Part III, Section 6 of the 1997 Regulations on Teachers' Redundancy; and
- (iii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

FUNDING SUPPORT FOR BUSINESS EXPANSION PROJECT (PARA 6)

- 24.** There was submitted a report dated 20 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought authority to homologate the decision of the Depute Chief Executive, in exercise of the Chief Executive's authority under the Council's Financial Regulations to offer grant funding of up to £35,000 towards a multi-agency financial package to secure a major new employment opportunity in Ayrshire.

Cabinet agreed to homologate the decision of the Depute Chief Executive to offer an "in principle" agreement to provide a contribution of up to £35,000 towards an "incentive package" to secure investment by the company detailed in the report.

The meeting terminated at 1416 hours.