

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 17 NOVEMBER 2010 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts, Barney Menzies and Kathy Morrice; Church Representatives Maria Dorrian and Ian Rennie; Parent Representative David Fraser; and Teacher Representative Bryce Wilson.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Andrew Sutherland, Head of Service: Schools; Chris Johnson, Contaminated Land Officer; and Christine Baillie, Senior Administrative Officer.

CHAIR: Councillor Douglas Reid, Leader of the Council.

PROMOTING LIFELONG LEARNING**1. Declarations of Interest**

Having heard from the Head of Legal, Procurement and Regulatory Services, those Members of Cabinet who were also Board Members on the Galleon Trust or Visions, namely: Parent Representative David Fraser and Councillors Hugh Ross, Barney Menzies and Kathy Morrice declared a non-financial interest in the undernoted item and due to the nature of the interest, in accordance with Paragraph 5.18 of the Councillors' Code of Conduct, remained and participated in the discussion and determination of the item.

2. Consideration of Item**THE NATIONAL TOP UP SWIMMING PROGRAMME**

3E. There was submitted a report dated 12 October 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for the Scottish Government's funding investment for a National Top Up Swimming Programme.

Cabinet agreed:-

- (i) to approve the use of the Top Up Swimming Programme across all Learning Communities in East Ayrshire;
- (ii) that the Executive Director of Educational and Social Services provide an updated report to Cabinet in due course; and
- (iii) otherwise, to note the contents of the report.

**EAST AYRSHIRE DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES
ANTI-BULLYING BEHAVIOUR FOR CHILDREN AND YOUNG PEOPLE**

- 4E.** There was submitted a report dated 18 October 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet for an Anti-Bullying Behaviour Policy for children and young people.

Cabinet agreed:-

- (i) to remit to the Head of Legal, Procurement and Regulatory Services to include an overview of current criminal and civil law provision relevant to cyber-bullying, for inclusion within the Policy;
- (i) with the inclusion of the legal overview, to approve the Anti-Bullying Behaviour Policy;
- (ii) that this Policy be used for all services that the Council delivered for children and young people; and
- (iv) otherwise, to note the contents of the report.

Councillor Jim Roberts joined the meeting during discussion of the above item.

**CONSULTATION ON THE DRAFT PUBLIC SERVICES
REFORM (GTCS) ORDER 2011**

- 5E.** There was submitted a report dated 24 October 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for an East Ayrshire response to the Draft Public Services Reform (General Teaching Council for Scotland) Order 2011.

Cabinet agreed:-

- (i) to approve the consultation response made by the Department of Educational and Social Services; and
- (ii) otherwise, to note the contents of the report.

GLOBAL SCHOOLS EXCHANGE AND PARTNERSHIP WITH SRI LANKA

- 6E.** There was submitted a report dated October 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for a Global Schools Exchange and Partnership between East Ayrshire Council schools and Gampola, Kandy District, Central Province, Sri Lanka.

Cabinet agreed:-

- (i) to approve a Global Schools Exchange and Partnership with Sri Lanka;
- (ii) to receive a delegation of teaching staff from Sri Lanka to East Ayrshire schools;
- (iii) to approve a staff delegation from East Ayrshire to visit Sri Lanka early next year; and
- (iv) otherwise, to note the contents of the report.

**EAST AYRSHIRE CHILDREN AND YOUNG PEOPLE'S SERVICES PLAN:
ANNUAL REVIEW 2009/10**

- 7E.** There was submitted a report dated 6 September 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet for the 2009/10 Annual Review of the East Ayrshire Children and Young People's Services Plan 2008-2011.

Cabinet agreed:-

- (i) to approve East Ayrshire's 2009/10 Annual Review of the 2008-2011 East Ayrshire Children and Young People's Services Plan; and
- (ii) otherwise, to note the contents of the report.

IMPROVING COMMUNITY SAFETY

PROTECTION OF CHILDREN AND ADULTS AT RISK

- 8E.** There was submitted a report dated 4 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which (i) advised of the introduction of the PVG Scheme under the Protection of Vulnerable Groups (Scotland) Act 2007; (ii) recommended the arrangements for payment of the fees associated with the PVG Scheme; and (iii) advised Cabinet of the proposals regarding arrangements for Disclosure/PVG re-checking for all employees in relevant posts.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved that the decision on the report be deferred to a future meeting of Cabinet to allow the outcome of the Trade Union consultation to be reported.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved as an amendment approval of the recommendations as detailed in the report, namely:-

- (i) that new employees undertaking regulated work and existing employees appointed to a new area of regulated work would require to meet the costs associated with PVG Scheme membership;
- (ii) that existing employees who would require to join the PVG Scheme should meet the cost of their initial membership;
- (iii) that all employees in regulated work and in posts which met the enhanced disclosure criteria be subject to re-checking every three years with the associated costs being met by the employees concerned;
- (iv) to instruct Heads of Service to review the potential operational and financial impact of the PVG Scheme on non-employee groups within their respective services; and
- (v) otherwise, to note the contents of the report.

On a division by a show of hands, the amendment was carried by 11 votes to 3.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

CONSULTATION ON PUBLIC SECTOR EQUALITY DUTY DRAFT REGULATIONS AND ORDERS

- 9E.** There was submitted a report dated 2 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided Cabinet with a draft response to the Scottish Government's Consultation on the Public Sector Equality Duty Draft Regulations and Order.

Cabinet agreed:-

- (i) to approve the response to the Scottish Government on the Consultation on Public Sector Equality Duty Draft Regulations and Order; and
- (ii) otherwise, to note the contents of the report.

Church Representatives Maria Dorrian and Ian Rennie, Parent Representative David Fraser and Teacher Representative Bryce Wilson left the meeting at this point.

DELIVERING COMMUNITY REGENERATION

STRATEGIC HOUSING INVESTMENT PLAN 2011/12 - 2015/16

- 10.** There was submitted a report dated 8 November 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which recommended to Cabinet the contents of the updated East Ayrshire Strategic Housing Investment Plan which covered the five year period from 2011/2012 to 2015/16 and which sought approval to submit the Plan to the Scottish Government for consideration by the due date of 30 November 2010.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved not to approve the Affordable Housing Investment priorities detailed in the Strategic Housing Investment Plan 2011/2012 - 2015/2016 appended to the report.

Councillor Douglas Reid, seconded by Councillor Robert McDill, moved as an amendment approval of the recommendations as detailed in the report, namely:-

- (i) to approve the Affordable Housing Investment priorities as detailed in the Strategic Housing Investment Plan 2011/2012 - 2015/2016 appended to the report, for submission to the Scottish Government by 30 November 2010;
- (ii) due to the timescales involved, to authorise implementation of recommendation (i) above, prior to any consideration by the Governance and Scrutiny Committee, as to delay implementation would prejudice the Council's position in relation to achieving the deadline set by the Scottish Government; and
- (iii) otherwise, to note the contents of the report.

On a division by a show of hands, the amendment was carried by 9 votes to 2.

NEW BUILD COUNCIL HOUSING AT MACDONALD DRIVE, KILMARNOCK

- 11.** There was submitted a report dated 2 November 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to designate the ten properties in the first phase of Council house building

at MacDonald Drive, Kilmarnock, as low needs supported accommodation and seeking approval for the Letting Plan as detailed in Section 4 of the report for the subsequent allocation of those properties.

Cabinet agreed:-

- (i) to designate the ten new build properties at MacDonald Drive as low needs supported accommodation;
- (ii) to approve the Letting Plan proposed at Paragraph 4 of the report; and
- (iii) otherwise, to note the contents of the report.

Councillor Kathy Morrice left the meeting during discussion of the above item.

IMPROVING COMMUNITY SAFETY

AMENDMENTS TO SPEED LIMITS, HURLFORD

- 12.** There was submitted a report dated 26 October 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to (i) introduce a full-time 20mph speed limit on Blair Road, Roxburgh Road, Graham Court and Mauchline Road Service Road, Hurlford; and (ii) amend the existing 30mph speed limit Order on the B7073 Mauchline Road, Hurlford, to allow the introduction of a part-time 20mph speed limit.

Cabinet agreed:-

- (i) to introduce a full-time 20mph speed limit on Blair Road, Roxburgh Road, Graham Court and Mauchline Road Service Road, Hurlford;
- (ii) to amend the existing 30mph speed limit Order on the B7073 Mauchline Road, Hurlford, to allow the introduction of a part-time 20mph speed limit;
- (iii) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to provide appropriate information before the introduction of the speed limits to the households within the routes detailed under (i) and (ii) above; and
- (iv) otherwise, to note the contents of the report.

Councillor Kathy Morrice re-joined the meeting during discussion of the above item.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

EXTENSION OF EPLANNING CONTRACT WITH IDOX GROUP (Item 3, Page 663, 07/12)

- 13.** There was submitted a report dated 3 November 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to authorise the Head of Planning and Economic Development to negotiate extension of the existing ePlanning contract between East Ayrshire Council and IDOX Group Plc.

Cabinet agreed to authorise the Head of Planning and Economic Development to negotiate an extension to the contract with IDOX Group in terms of Item 20(2) of the Council's Standing Orders Relating to Contracts and Tendering to implement the

final phase of the national ePlanning project to deliver the statutory development planning service online.

WORKFORCE PLANNING - FACILITY FOR EMPLOYEES TO REDUCE THEIR WORKING HOURS ON A SUBSTANTIVE BASIS

14. There was submitted a report dated 4 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which asked Cabinet to approve that all Local Government Employees and Craft Operatives be allowed to voluntarily reduce their working hours on a substantive basis subject to the exigencies of the service.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved that the decision on the report be deferred to a future meeting of Cabinet to allow the outcome of the Trade Union consultation to be reported.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved as an amendment, approval of the recommendations as detailed in the report, subject to the amendment to recommendation (i), namely:-

- (i) that all Local Government Employees and Craft Operatives be allowed, subject to the exigencies of the service, the facility to seek a reduction to their working hours on a substantive basis, which may include the granting of a trial period of up to three months during which the potential impact of the reduction could be assessed, subject to Trade Union consultation; and
- (ii) otherwise, to note the contents of the report.

On a division by a show of hands, the amendment was carried by 9 votes to 2.

INFORMATION ON PEST CONTROL CHARGING POLICY: FLEAS AND BED BUGS (Item 11, Page 1303, 07/12)

15. There was submitted a report dated 8 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which provided additional information relative to fleas and bed bug complaints received by the Environmental Health Service and the impact of any withdrawal of charges relative to these insect pests.

Cabinet agreed, having considered the terms of the report, to impose a charge for treatment of flea and bed bug infestations of £35.00 plus VAT in line with charges for other treatments.

EXCLUSION OF PRESS AND PUBLIC

16. The Committee 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 8 of Schedule 7A of the Act.

IMPROVING COMMUNITY HEALTH AND WELLBEING

KILMARNOCK BUS STATION: SMOKING BAN ADAPTATIONS

17. There was submitted a report dated 8 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of the problems of smoking within Kilmarnock Bus Station and which proposed adaptations to the bus

station which would bring the station within the remit of the smoking ban legislation allowing subsequent effective enforcement and thereby improve the environment of the bus station for travellers to and from East Ayrshire.

Cabinet agreed:-

- (i) to note the effect of the proposed works which would be to bring the whole of the public areas of Kilmarnock Bus Station within the scope of the statutory prohibition on smoking in defined public spaces;
- (ii) to approve the proposal to carry out the works identified in Paragraph 3.4 and Appendix 1 to the report;
- (iii) to approve the allocation of sufficient funds from the capital programme to meet the cost of the proposed works (current estimate identified within the report);
- (iv) to remit to the Head of Legal, Procurement and Regulatory Services to tender for these works and thereafter proceed to award the contract to the successful bidder, all in accordance with the Council's Standing Orders Relating to Contracts; and
- (v) otherwise, to note the contents of the report.

DELIVERING COMMUNITY REGENERATION

PROPOSED WORKS FOR REMEDIATION OF CONTAMINATED LAND

- 18.** There was submitted a report dated 8 November 2010 (circulated) by the Executive Director of Finance and Corporate Support which highlighted investigative works carried out at Bonnet Court, Stewarton, which had been carried out in line with the Council's Strategy for the Identification and Remediation of Contaminated Land and which sought funding for the remedial works which had been identified in order to mitigate the risks identified to key receptors.

Cabinet agreed:-

- (i) to note the legal requirement for the Council to make arrangements for the remediation of the site identified within the report;
- (ii) to approve the proposed remediation works as specified in detail in Appendix 1 to the report;
- (iii) to approve the allocation of sufficient funds from the capital programme to meet the costs of these works (current estimate identified within the report);
- (iv) to remit to the Head of Legal, Procurement and Regulatory Services to tender for these works and thereafter proceed to award the contract to the successful bidder, all in accordance with the Council's Standing Orders Relating to Contracts;
- (v) to remit to the Head of Legal, Procurement and Regulatory Services to investigate in consultation with the Council's insurers the possibility of insuring the Council against any future potential risks of this nature and report back to Cabinet on any positive outcome; and
- (vi) otherwise, to note the contents of the report.

Councillor Jim Buchanan left the meeting during discussion of the above item and Councillor Robert McDill left the meeting at the conclusion of the item.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

PROPOSED SETTLEMENT OF COURT ACTION

19. There was submitted a joint report dated 9 November 2010 (circulated) by the Executive Director of Finance and Corporate Support and the Solicitor to the Council which advised of a claim for damages made in respect of the award of a contract by the Council and which sought Cabinet authority to settle the matter by way of extra judicial settlement.

Cabinet agreed:-

- (i) to approve, subject to confirmation of certain matters with the Council's insurers, the proposed settlement of the claim against the Council on the terms identified in the report and subject also to a suitable confidentiality agreement being effected with the claimant;
- (ii) to remit to the Solicitor to the Council to effect settlement in these terms;
- (iii) that the Solicitor to the Council submit the report on this matter to the Governance and Scrutiny Committee together with an appropriate covering report seeking determination by that Committee of the terms of reference for the proposed review of relevant procurement practices and procedures;
- (iv) to present the outcome of this review to first the Cabinet and thereafter Governance and Scrutiny Committee for appropriate consideration; and
- (v) otherwise, to note the contents of the report.

The meeting terminated at 1309 hours.