

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 21 MAY 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; Church Representatives John McHugh and Dr Ivy Barclay; Teacher Representative Iain Harvey; and Parent Representative David Fraser.

ALSO PRESENT: Councillor Tom Cook.

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; Kay Gilmour, Head of Community Support; Bill Walkinshaw, Head of Democratic Services; Robin Gourlay, Head of Facilities Management; 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; Alistair Kidd, Financial Services Manager; Steven Hill, Accountant; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillor Jim Buchanan; and Church Representative Bill McGregor.

CHAIR: Councillor Douglas Reid, Chair.

ORDER OF BUSINESS

1. The Chair advised that at his discretion and in terms of Standing Order 5, Item 13 on the Agenda "2008/2009 Finance and Service Strategy Report" would be considered after Item 3E to allow the non-elected members to participate in the discussion of the educational aspects of the report.

LIFELONG LEARNING**BETTER SCHOOLS: BETTER LEARNING UPDATE**

(Item 2, Pages 296-302, 07/11)

- 2E. There was submitted a report dated 5 May 2008 (circulated) by the Executive Director of Educational and Social Services which summarised the position reached on the Better Schools: Better Learning Initiative and which sought agreement on the way forward.

Cabinet agreed:-

- (i) that the Executive Director of Educational and Social Services merge the management structures of Woodstock and Witchhill Schools at a point suitable to operational requirements and in consultation with the Trade Unions and the individuals concerned;

- (ii) that the Executive Director of Educational and Social Services merge the management structures of Cairnhill and Castle Primary Schools at a point suitable to operational requirements and in consultation with the Trade Unions and the individuals concerned;
- (iii) to approve this report as a project outline for the next stages of the Better Schools: Better Learning Initiative;
- (iv) that the Executive Director of Educational and Social Services bring reports to Cabinet at regular intervals to update Members on progress; and
- (v) otherwise, to note the contents of the report.

SCHOOL HOLIDAY ARRANGEMENTS 2009/2010

- 3E.** There was submitted a report dated 6 May 2008 (circulated) by the Executive Director of Educational and Social Services which informed of the consultation exercise carried out regarding school holiday arrangements for school session 2009/2010 and which sought agreement to implement the preferred school holiday option.

Cabinet agreed:-

- (i) that Appendix 1 attached to the report be accepted as the proposed school holiday arrangements for school session 2009/2010; and
- (ii) otherwise, to note the contents of the report.

2008/2009 FINANCE AND SERVICE STRATEGY REPORT

- 4E.** There was submitted a report dated 7 May 2008 (circulated) by the Executive Head of Finance and Asset Management being the format of the proposed Finance and Service Strategy report which would provide a framework to monitor revenue and capital expenditure linked to service performance.

Cabinet agreed:-

- (i) to approve the Finance and Service Strategy report; and
- (ii) otherwise, to note the contents of the report.

Church Representatives John McHugh and Dr Ivy Barclay, Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

ENVIRONMENT AND REGENERATION

PROPOSED ALTERATION OF SPEED LIMITS - VARIOUS LOCATIONS

- 5.** There was submitted a report dated 8 May 2008 (circulated) by the Executive Director of Neighbourhood Services which sought approval to reduce the length of the 40mph speed limit and extend the existing 30mph speed limit on Route B7083 Cumnock and Auchinleck; extend the existing 30mph speed limit on U1 Clockston Road, Galston; and extend the existing 30mph speed limit on C66 Waterside Road, Fenwick.

Cabinet having noted that no objections had been received in respect of the proposals, agreed:-

- (i) to approve the proposal to reduce the length of the 40mph speed limit and extend the existing 30mph speed limit on Route B7083 Cumnock and Auchinleck, as shown in Appendix 1 and 2 of the report;
- (ii) to approve the proposal to extend the existing 30mph speed limit on U1 Clockston Road, Galston, as shown in Appendix 3 of the report; and
- (iii) to approve the proposal to extend the existing 30mph speed limit on C66 Waterside Road, Fenwick, as shown in Appendix 4 of the report.

REPORT ON THE REVIEW OF THE WASTE RECYCLING POLICY/TECHNICAL EVALUATION OF THE KERBSIDE RECYCLING SCHEME

6. There was submitted a report dated 14 May 2008 by the Depute Chief Executive/Executive Director of Corporate Support which presented the outcome report by Members of the Governance and Scrutiny Committee on their recent review of the Waste Recycling Policy/Technical Evaluation of the Kerbside Recycling Scheme and which asked Cabinet to agree, or otherwise, the recommendations contained in the report (all circulated).

Cabinet then heard from Councillor Tom Cook, Chair, Governance and Scrutiny Committee.

Cabinet, having given due consideration to the findings of the Governance and Scrutiny Committee on the related recommendations outlined in Paragraph 9, Page 8 of the report, agreed to accept the undernoted recommendations, in principle, and remitted to the Executive Director of Neighbourhood Services to consider the recommendations and submit a report to a future meeting of Cabinet in respect of the associated costs of implementation as appropriate:-

- (i) that the current arrangements providing for the fortnightly collection of residual waste should continue;
- (ii) to note that trials are underway in Scotland to evaluate the feasibility of food waste recycling and that the Council should await the outcome of these trials prior to considering further action in this respect;
- (iii) that additional drop points be provided at local "bring" sites for the collection of plastics and the availability of such facilities be publicised suitably;
- (iv) that the Executive Director of Neighbourhood Services investigate and report back to Members on the potential and means for the kerbside collection of plastics;
- (v) that the kerbside garden waste collection continue to be provided during the winter months as at present;
- (vi) that detailed proposals for the creation of four additional Recycling Centres at Galston, Stewarton, Dalmellington and Cumnock, be prepared as a matter of priority in order to maximise any opportunity for funding of such facilities;
- (vii) that the opening hours of the MRF at Western Road, Kilmarnock, and the Recycling Centre at Garlaff be extended to include Saturday afternoons and late opening one evening per week during the summer months;
- (viii) that the existing arrangements and charges for the collection of white goods be retained;

- (ix) that the revised charging structure for the collection of commercial waste, as agreed by Cabinet in March 2008, be allowed to take effect and consideration of further action with regard to commercial waste be held in abeyance pending assessment of the outcome;
- (x) that the introduction of a charging policy for household waste collection services be not pursued by the Council at this time;
- (xi) that there be a significant promotion/information campaign in respect of the Council's recycling scheme and facilities, providing, through a range of appropriate media, site specific information; and
- (xii) that Officers continue to work with other Local Authorities to investigate the potential to achieve further significant increases and landfill diversion rates by the utilisation of incineration as a means of residual waste disposal.

Cabinet also noted that the Council's recycling rate for 2007/08 was 41.8% (un-audited figure) against the 2010 target of 40%.

SURPLUS PROPERTY

7. There was submitted a report dated 8 May 2008 (circulated) by the Executive Head of Finance and Asset Management which proposed action to demolish certain properties which had been declared surplus and for which there was no current foreseeable use.

Cabinet agreed to approve the actions as detailed below:-

- (i) Former Barr Youth & Community Centre, Station Road, Galston. Declared surplus: 31/3/05. Proposal - utilise cleared site for replacement community facility for Galston as indicated in the Capital Plan subject to consultation with relevant stakeholders;
- (ii) Former Longpark Community Centre, 60 Innellan Drive, Kilmarnock. Declared surplus: 24/8/04. Proposal - circulate availability of cleared site first within the Council and, if no interest, market externally;
- (iii) Former Rosebank Cabin, Rosebank Place, Kilmarnock. Declared surplus: 25/5/04. Proposal - circulate availability of cleared site first within the Council and, if no interest, market externally;
- (iv) Former Hillbank Nursery (Main Building), Hill Street, Kilmarnock. Declared surplus: 30/1/07. Proposal - circulate availability of cleared site first within the Council and, if no interest, market externally;
- (v) Former Public Conveniences, Sandbed Street, Kilmarnock. Declared surplus: 28/5/97. Proposal - tidy up cleared site;
- (vi) Former Public Conveniences, Old Street, Kilmarnock. Declared surplus: 28/5/97. Proposal - tidy up cleared site; and
- (vii) Former Public Convenience, Loudoun Road, Newmilns. Declared surplus: 9/3/98. Proposal - tidy up cleared site.

Councillor John MacKay left the meeting at this point.

MANAGEMENT AND RESOURCES

OUTCOMES AND RECOMMENDATIONS FROM THE CALLED-IN DECISIONS OF CABINET - 26 MARCH 2008: CHARGES FOR COMMUNITY USE OF COUNCIL PREMISES 2008/2009 AND CHARGES FOR LEISURE SERVICES 2008/2009 (Item 3, Page 306, 07/11)

8. There was submitted a report dated 9 May 2008 (circulated) by the Chair of the Governance and Scrutiny Committee which presented the recommendations of the Governance and Scrutiny Committee of 2 May 2008 in respect of the called-in decisions of the Cabinet meeting relating to the charges for community use of Council premises 2008/2009 and charges for leisure services 2008/2009.

Cabinet heard from Councillor Tom Cook, Chair, Governance and Scrutiny Committee, in respect of the report.

Cabinet agreed:-

- (i) that future reports to Cabinet on charges should include (a) more benchmarking information to provide comparable charges with a range of other Councils and providers, and (b) the outcome of consultation with consumers and stakeholders in respect of proposed charges for facilities; and
- (ii) to note that the Chief Executive intended to submit a report to Cabinet, prior to Council recess in July, outlining how the previously agreed review of all charges across the Council would be conducted and confirmed that the review remit would incorporate the recommendations of the Governance and Scrutiny Committee.

LOCAL HOUSING ALLOWANCE - SAFEGUARD POLICY

9.1 Declaration of Interest

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

9.2 Consideration of Item

There was submitted a report dated 2 April 2008 (circulated) by the Executive Head of Finance and Asset Management which sought approval of the proposed Local Housing Allowance Safeguard Policy.

Cabinet agreed:-

- (i) to endorse the Local Housing Allowance Safeguard Policy (circulated separately); and
- (ii) otherwise, to note the contents of the report.

Councillor Jim Roberts re-joined the meeting at this point.

NEGOTIATED PROCUREMENT OF HOSTED CARD PAYMENT SERVICES

10. There was submitted a joint report dated 3 April 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Head of Finance and Asset Management which sought approval for the negotiated purchase

of a Hosted Card Payment Service contract which would support the Council's move towards full compliance with Payment Card Industry Data Security Standards.

Cabinet agreed:-

- (i) to approve the negotiation of contract terms in respect of the procurement of a Hosted Card Payment Service and related services with Civica Financial Systems Limited in terms of Paragraph 9(2) of the Council's Standing Orders Relating to Contracts; and
- (ii) otherwise, to note the contents of the report.

LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS REVISED HARASSMENT AND BULLYING POLICY AND PROCEDURES

11. There was submitted a report dated 16 April 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked Cabinet to approve proposed amendments to the Council's Harassment and Bullying Policy and Procedures, subject to consultation with Trade Unions.

Cabinet agreed to approve the changes detailed in the report to the Council's Harassment and Bullying Policy and Procedures, subject to consultation with Trade Unions.

SCOTTISH REFUGEE COUNCIL AND ETHNIC MINORITIES LAW CENTRE - APPLICATIONS FOR FINANCIAL ASSISTANCE (Item 15, Page 2815, 03/07)

12. It was agreed to consider Items 10 and 11 on the Agenda together.

12.1 Scottish Refugee Council

There was submitted a report dated 1 May 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of a request for financial assistance which had been received from the Scottish Refugee Council and which made recommendations accordingly.

12.2 Ethnic Minorities Law Centre

There was submitted a report dated 30 April 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked Cabinet to consider a request for funding from the Ethnic Minorities Law Centre (EMLC) and which made recommendations accordingly.

Cabinet agreed in relation to the Scottish Refugee Council:-

- (i) to reject the application for grant funding from the Scottish Refugee Council; and
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to communicate this decision to the Scottish Refugee Council.

Cabinet agreed in relation to the Ethnic Minorities Law Centre:-

- (i) to approve a grant of £6,752.00 for the Ethnic Minorities Law Centre for financial year 2008/2009, subject to funding from other appropriate Local Authorities; and
- (ii) otherwise, to note the contents of the report.

HUMAN RESOURCE MANAGEMENT - WORKFORCE PLANNING STRATEGY

13. There was submitted a report dated 1 May 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which set out the good progress in taking forward the Council's Human Resource Management Workforce Planning Improvement Agenda and which sought approval for the next important stage in the process, which was full integration of Workforce Planning within the Council's Service Planning arrangements.

Cabinet agreed:-

- (i) that the Council's Corporate Workforce Planning Strategy be fully embedded into Departmental Service Plans by 31 March 2009 to allow incorporation into the budgetary preparation cycles for the next two years of the Strategic Service Review 2007, i.e. 2009-2011;
- (ii) annually, each Department should produce a consolidated workforce plan which forms the human resources element of the Departmental Service Plans linked to the annual budgetary process;
- (iii) annually, and having regard to issues contained in Departmental Service Plans, the Head of Personnel should produce for consideration by Cabinet, an updated Corporate Workforce Planning Action Plan, making recommendations on a Council-wide basis in respect of key workforce issues, ensuring that Departmental issues are considered in the context of the wider Council;
- (iv) that the annual Corporate Workforce Action Plan, referred to in recommendation (iii) would be used by the Council to develop recommendations when preparing the Council's budget on an annual basis;
- (v) that the Head of Personnel advise the Trade Unions of the arrangements for workforce planning; and
- (vi) to note that the Department of Corporate Support would pilot the project.

EXCLUSION OF PRESS AND PUBLIC

14. 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 Paragraphs of Schedule 7A of the Act as shown against each item".

ASSET IMPROVEMENT - PROCUREMENT OF INTERIM MANAGEMENT SERVICES (PARAS 1 & 9)

15. There was submitted a report dated 13 May 2008 (circulated) by the Executive Head of Finance and Asset Management which sought approval for the negotiation of appropriate contractual terms with Solace Enterprises Limited for the provision of an interim manager for the Asset Improvement Section

Cabinet agreed:-

- (i) to approve the negotiation of contract terms in respect of the provision of interim management services with Solace Enterprises Limited in terms of Paragraph 9 (2) of the Council's Standing Orders Relating to Contracts; and
- (ii) otherwise, to note the contents of the report.

SEVERANCE ARRANGEMENT (PARA 1)

- 16.** There was submitted a report dated 8 May 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of a severance arrangement for an employee within the Department of Neighbourhood Services.

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

CAPITAL MONITORING REPORT TO PERIOD 13 (31/3/08) (PARA 8)

- 17.** There was submitted a report dated 9 May 2008 (circulated) by the Executive Head of Finance and Asset Management which advised of the financial position for General Services and Housing Investment Capital Programmes for 2007/2008 as at 31 March 2008 (Period 13) based on information provided by Executive Directors.

Cabinet, having received a presentation from the Executive Head of Finance and Asset Management and having considered the contents of the report, agreed to approve the proposals to fund the schemes in relation to Darvel Primary School, Mount Carmel and Onthank Primary School electrical upgrades and a proportion of Dunlop Primary School extension from the School Fund Grant as detailed in Paragraph 2.1.3 of the report.

The meeting terminated at 1130 hours.