

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 20 MAY 2009 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, Jim Roberts, Barney Menzies and Kathy Morrice; and Church Representatives: Bill McGregor, John McHugh and Dr Ivy Barclay; and Teacher Representative: Iain Harvey.

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; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Eddie Fraser, Head of Service: Community Care; Keith Orton, Acting Chief Engineer; and Lynn Young, Administrative Officer.

ALSO ATTENDING: Alastair J H MacNish, OBE; and Dave Richardson, Audit Manager and Lorna Skirving, Portfolio Manager, Audit Scotland.

APOLOGIES: Councillor Jim Buchanan and Parent Representative David Fraser.

CHAIR: Councillor Douglas Reid, Leader of the Council.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting Alastair J H MacNish, and also Dave Richardson, Audit Manager and Lorna Skirving, Portfolio Manager, both from Audit Scotland.

LIFELONG LEARNING**A PROPOSAL PAPER: PATNA PRIMARY SCHOOL AND NURSERY CLASS AND SUPPORTED LEARNING CENTRE AND ST XAVIER'S PRIMARY SCHOOL**

- 2E. There was submitted a proposal paper (circulated) by the Executive Director of Educational and Social Services which sought views on the following proposals: Patna Primary School and Nursery Class and Supported Learning Centre and St Xavier's Primary School continue in a new-build campus, adjacent to the site of the present buildings of Patna Primary School and Nursery Class and Supported Learning Centre; and that a replacement for the Community Library, replacement football pavilion and Community Centre are built as part of the campus.

Cabinet agreed to adopt, for the purpose of consultation on the proposal, that:-

- (i) a new build campus for Patna Primary School and Nursery Class and Supported Learning Centre and St Xavier's Primary School be created adjacent to the current buildings at Patna Primary School, Nursery Class and Supported Learning Centre buildings;

- (ii) the delineated area of the two schools remain the same;
- (iii) the building would also serve as a Learning Centre for the wider community, outside of school hours;
- (iv) the present buildings of Patna Primary School and Nursery Class and Supported Learning Centre be demolished; and
- (v) that views be sought on the concept of the new build school incorporating provision for community facilities, including Community Library, Community Centre, a local area office, and any other features that may emerge from the consultation;
- (vi) that due to the timescales involved, the decision to issue the proposal paper for consultation be implemented prior to any consideration by the Governance and Scrutiny Committee under the call-in process, as any delay on the decision would mean that the consultation could not be finalised before the end of the school session 2008/2009;
- (vii) that based on the results of the consultation exercise, the Executive Head of Finance and Asset Management be asked to prepare a full business case for the development of Patna Primary School and Nursery Class and Supported Learning Centre and St Xavier's Primary School together with links to appropriate community facilities;
- (viii) that interested parties be invited to make written or electronic submissions on the proposal to the Executive Director of Educational and Social Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU, email: education.consultation@east-ayrshire.gov.uk no later than Friday 26 June 2009; and
- (ix) the Executive Director of Educational and Social Services submit a report on the results of the consultation process to a future meeting of Cabinet.

A PROPOSAL PAPER: DARVEL NURSERY SCHOOL AND DARVEL PRIMARY SCHOOL

3E. There was submitted a proposal paper (circulated) by the Executive Director of Educational and Social Services which sought views on the following proposals: that pre-5 education at the existing Darvel Nursery School be discontinued with effect from 30 June 2011, or as soon as possible thereafter and that Darvel Nursery School, staff and children should relocate to a new building to be constructed in the existing Darvel Primary School grounds, co-located with the refurbished primary school from 1 July 2011, or as soon as possible thereafter.

The Executive Director of Educational and Social Services advised of an amendment to Paragraph 12.1 in that: "It is recommended that Cabinet agree to adopt for the purposes of consultation the proposal that:-

- (i) pre-five education at the existing Darvel Nursery School building be discontinued with effect from 30 June 2011, or as soon as possible thereafter; and
- (ii) further, Darvel Nursery School, staff and children should relocate to the site of a newly extended and refurbished Darvel Primary School building from 1 July 2011, or as soon as possible thereafter".

The Executive Director of Educational and Social Services also confirmed that the same form of words to which reference had been made in the amended recommendations would also apply throughout the consultation document, specifically:-

- the text preceding section 1 (page 29) which outlined the original proposal;
- Section 3.1; and
- Appendix 5.

Cabinet having noted the above amendments, agreed to adopt for the purpose of the consultation proposal that:-

- (i) pre-five education at the existing Darvel Nursery School building be discontinued with effect from 30 June 2011, or as soon as possible thereafter;
- (ii) further, Darvel Nursery School, staff and children should relocate to the site of a newly extended and refurbished Darvel Primary School building from 1 July 2011, or as soon as possible thereafter;
- (iii) that interested parties be invited to make written or electronic submissions on the proposal to the Executive Director of Educational and Social Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU, email: education.consultation@east-ayrshire.gov.uk no later than Friday 26 June 2009;
- (iv) that the Executive Director of Educational and Social Services submit a report on the results of the consultation process for consideration to a future meeting of Cabinet; and
- (v) that due to the timescales involved, the decision to issue the proposal paper for consultation be implemented prior to any consideration by the Governance and Scrutiny Committee under the call-in process, as any delay on the decision would mean that the consultation could not be finalised before the end of the school session 2008/2009.

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

COMMUNITY PLANNING AND EQUALITIES

AUDIT SCOTLAND - THE IMPACT OF RACE EQUALITY ON COUNCIL SERVICES

4. There was submitted a report dated 30 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided a summary of the Audit Scotland report - The Impact of Race Equality on Council Services - and which outlined the implications for the Council.

Cabinet agreed:-

- (i) to note that the key messages and recommendations highlighted in the Audit Scotland report would be incorporated into the Race Equality Scheme Progress Report which would be submitted to Cabinet in November 2009;
- (ii) to endorse the actions as detailed in Section 7 of the report; and

- (iii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

DELIVERING COMMUNITY REGENERATION

5. There was submitted a report dated 11 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for approval an Integrated Regeneration Strategy, which set out East Ayrshire Council's investment programme in support of the aims and aspirations of Delivering Community Regeneration.

5.1 In terms of the proposed Integrated Regeneration Strategy, Cabinet agreed:-

- (i) to approve the Integrated Regeneration Strategy attached as an Appendix to the report, as a basis for co-ordinating the Council's investment priorities in Delivering Community Regeneration;
- (ii) to note the intention that this would provide a focus for agreeing joint priorities and projects with partners through the development and implementation of the Delivering Community Regeneration Action Plan;
- (iii) that Departmental Lead Officers be identified for the purpose of managing the implementation and monitoring of projects within Priority for Action 1,
- (iv) to note that the investment programmes and projects included within the Agenda for Action may be amended in response to opportunities and other priorities that arise;
- (v) to note that monitoring of achievement against the aims and objectives of the Delivering Community Regeneration Action Plan would be undertaken through the existing Community Planning structures; and
- (vi) to note that specific reference to A70 development options would be included within page 75 of the document and reference also to outdoor sports facilities at Stewarton on page 73.

5.2 In terms of the Scottish Government's Town Centre Regeneration Fund, Cabinet agreed:-

- (i) to the projects detailed at Paragraph 4.4 of the report, and subject to approval through the Town Centre Regeneration Fund, the consequential acceleration of the Capital Investment Programme; and
- (ii) that in view of the terms of complying with application deadlines for the Scottish Government's Town Centre Regeneration Fund, that those matters referred to in recommendation 5.2(i) above, be implemented ahead of consideration by the Government and Scrutiny Committee on the grounds of urgency as the call-in process would prevent the timeous submission of applications.

Cabinet also noted the terms of the report and that Tranche 2 bids would be presented to Cabinet for consideration at a subsequent meeting.

**CUMNOCK TOWN CENTRE REGENERATION PROJECT - COMPULSORY
PURCHASE ORDER, GREENHOLM ROAD, CUMNOCK
(Item 3, Page 71. 07/12)**

6. There was submitted a report dated 11 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought authority to promote a Compulsory Purchase Order in respect of the acquisition of an area of ground extending in total to 2631 square metres or thereby, to the south of Greenholm Road, Cumnock, to facilitate the office development phase of the approved Cumnock Town Centre Regeneration Project, and which sought authority for the Solicitor to the Council to implement all subsequent statutory requirements to facilitate confirmation of the said Order by the Scottish Government.

Cabinet agreed:-

- (i) to approve the promotion of a Compulsory Purchase Order in respect of the acquisition of an area of ground extending in total to 2631 square metres or thereby, to the south of Greenholm Road, Cumnock, as detailed on the plan submitted with the report, to facilitate the office development phase of the approved Cumnock Town Centre Regeneration Project;
- (ii) to authorise the Solicitor to the Council to formally promote the Order and thereafter to comply with all necessary statutory requirements and take all necessary steps deemed necessary by the Solicitor to the Council to protect the interests of the Council to facilitate confirmation of the Order by the Scottish Government; and
- (iii) otherwise, to note the contents of the report.

**EAST AYRSHIRE TOURISM STRATEGY - THE WAY AHEAD: 2009-2015
(Item 2, Page 391, 07/12)**

7. There was submitted a report dated 13 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the adoption of the finalised East Ayrshire Tourism Strategy and Action Plan and accompanying Strategic Environmental Assessment (SEA) Statement following a public consultation as required by Section 16 of the Environmental Assessment (Scotland) Act 2005.

Cabinet agreed:-

- (i) to adopt the East Ayrshire Tourism Strategy and Action Plan;
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to implement the Strategy from within existing resources where possible;
- (iii) to request the Depute Chief Executive/Executive Director of Corporate Support to bring forward Performance Monitoring Reports on an annual basis;
- (iv) to approve the (SEA) Statement and instruct the Head of Planning and Economic Development to undertake the publication and advertisement requirements as detailed in Paragraph 8.3 of the report;
- (v) to instruct the required Services of the Council to assist with and undertake the monitoring arrangements contained in the SEA Statement in order to

comply with Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005; and

(vi) otherwise, to note the contents of the report.

BRIDGES CAPITAL CONTRACTS

8. There was submitted and noted a report dated 15 May 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of the contractual out-turns on two bridge contracts, Vehicle Incursion Safety Measures at A719 Crossroads Rail Bridge and U736 Loganhill Rail Bridge and C134 Birkhill Culvert Replacement, in terms of Section 25(7) of the Council's Standing Orders Relating to Contracts.

MANAGEMENT AND RESOURCES

THE COUNCIL'S SECOND COUNCIL-WIDE STRATEGIC SELF-ASSESSMENT OF PERFORMANCE

9.1 REPORT BY ALASTAIR J H MACNISH, OBE

There was submitted a letter dated 30 December 2008, together with a report (both circulated) by 'Critical Friend' Alastair J H MacNish, OBE, on the Second Council-wide Strategic Self-Assessment of Performance.

There followed a discussion and question and answer session with Alastair MacNish. Cabinet agreed:-

- (i) that the Chief Executive work with group leaders in drafting an appropriate letter to John Swinney, Cabinet Secretary for Finance and Sustainable Growth regarding the financial pressures faced by the Council in terms of the provision of services with reference to this report and in particular with regard to the impact on the Council's budget supporting the significant numbers of looked after and accommodated children within East Ayrshire; and
- (ii) otherwise, to note the contents of the report.

The Chair then thanked Alastair MacNish for his report.

9.2 THE COUNCIL'S SECOND COUNCIL-WIDE STRATEGIC SELF-ASSESSMENT OF PERFORMANCE

There was submitted a report dated 14 May 2009 (circulated) by the Chief Executive which advised of the completion and results of the Council's Second Council-wide Strategic Self-Assessment of Performance and which requested consideration of the proposed Improvement Agenda which had arisen from the exercise.

Having noted that at Paragraph 4.3, Public Performance Reporting had scored 5 at May 2009 and not 6 as was stated, Cabinet agreed:-

- (i) to note the completion of the Second Council-wide Strategic Self-Assessment of Performance by the Corporate Management Team;
- (ii) that appropriate Senior Officers action the areas for improvement identified within the Strategic Self-Assessment document;

- (iii) to note the results arising from the Second Council-wide Strategic Self-Assessment of Performance as detailed in Section 4 of the report;
- (iv) to approve the proposed Improvement Agenda, as detailed in Section 5 of the report;
- (v) that the Chief Executive report to Cabinet on 17 June 2009, on the high level Improvement Action Plan; and
- (vi) otherwise, to note the contents of the report.

Councillor Linton left the meeting at this point.

**BEST VALUE 2 - PROPOSED CONSULTATION RESPONSE BY
EAST AYRSHIRE COUNCIL (Item 16, Page 684, 07/12)**

10. There was submitted a report dated 7 May 2009 (circulated) by the Chief Executive which sought agreement on the Council's response to the Accounts Commission's Consultation Paper: "Best Value 2 - Proposals for Consultation March 2009".

Cabinet agreed to the Council's proposed response to the Accounts Commission's consultation on Best Value 2.

ETHNIC MINORITIES LAW CENTRE (EMLC) - GRANT APPLICATION

11. There was submitted a report dated 30 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which requested funding from the Ethnic Minorities Law Centre (EMLC).

Cabinet agreed:-

- (i) to a grant of £6,954.00 for the Ethnic Minorities Law Centre for financial year 2009/2010, subject to funding from other appropriate Local Authorities;
- (ii) to endorse the development of continuing links with the Ethnic Minorities Law Centre in the context of its overall consultation and engagement arrangements;
- (iii) that a report on the work of the Centre, particularly in regard to its liaison work with the local Citizen's Advice Bureau, be submitted as part of the progress report on the Council's Race Equality Scheme to Cabinet in November 2009; and
- (iv) otherwise, to note the contents of the report.

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 Paragraph 1 of Schedule 7A of the Act".

**DEPARTMENT OF CORPORATE SUPPORT - HUMAN RESOURCES
ESTABLISHMENT AND BUDGET (Item 25, Page 407, 07/12)**

13. There was submitted a report dated 6 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended alterations

to the establishment and budget of the Human Resources Service within the Department of Corporate Support.

Cabinet agreed:-

- (i) to the alterations to the establishments of the Departments of Corporate Support, Neighbourhood Services and Educational and Social Services as detailed in Appendix I of the report;
- (ii) to the virement of full budgetary resources from the respective Departments to the Department of Corporate Support (Human Resources) as detailed in Section 5.1 of the report;
- (iii) to the virement of full budgetary resources from the Departments of Educational and Social Services and Neighbourhood Services to support the two posts of Training Co-ordinators within the Employability Unit of the Planning and Economic Development Service as detailed in Section 4.1 of the report; and
- (iv) otherwise, to note the contents of the report.

REVISED CONDITIONS OF SERVICE - SUMMARY OF PROPOSALS

- 14.** There was submitted a report dated 30 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which submitted for approval proposals for the implementation of revised terms and conditions of service for the Council's Local Government Employee Workgroup and which sought agreement that consultations should commence with the Trade Unions with a view to reaching a collective agreement on the proposals.

Cabinet agreed:-

- (i) to approve, for the purposes of consultation, the proposed revised terms and conditions of service as detailed in Appendix 1 of the report;
- (ii) that the Head of Human Resources commence consultations with the Trade Unions with a view to reaching a collective agreement on the proposals;
- (iii) that a further report be submitted to Cabinet following conclusion of the consultations with the Trade Unions; and
- (iv) otherwise, to note the contents of the report.

Councillor Menzies, having moved an alternative proposal with regard to the need for certain information to be included in the consultation process and having failed to receive a seconder, asked that his dissent be recorded.

Councillor Roberts left the meeting at this point.

REQUEST FOR EARLY RETIREMENT

- 15.** There was submitted a report dated 30 April 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for an employee in Educational and Social Services Department 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 request for early retirement from the Council's service effective from 13 August 2009 under the terms of the Teachers (Compensation for Premature Retirement) (Scotland) Regulations 1997; and
- (ii) otherwise, to note the contents of the report.

The meeting terminated at 1240 hours.