

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 13 JANUARY 2010 AT 1000 HOURS IN NETHERTHIRD COMMUNITY CENTRE, RYDERSTON DRIVE, CUMNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Barney Menzies 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; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance & Asset Management; Bill Walkinshaw, Head of Democratic Services; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; Malcolm Roulston, Head of Information Technology; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Andrew Sutherland, Head of Service: Schools; Robin Baker, Financial Controller; Andrew Kennedy, Business Manager, Educational and Social Services; Lynne Buchanan, Communication and Customer First Manager; Joe McLachlan, Corporate Accounting Manager; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillor Jim Roberts and Church Representative Maria Dorrian.

CHAIR: Councillor Iain Linton, Depute Leader of the Council for Items 1E-2E and Councillor Douglas Reid, Leader of the Council for Items 3E-13.

LIFELONG LEARNING**CROSSROADS PRIMARY SCHOOL - PROPOSAL DOCUMENT**

- 1E.** There was submitted a report dated 5 January 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval to issue the Proposal Document on the future of education provision at Crossroads Primary School for public consultation.

Councillor Maureen McKay joined the meeting during discussion of the above item.

Cabinet agreed:-

- (i) to approve the Proposal Document as attached at Appendix A to the report;
- (ii) to remit to the Executive Director of Educational and Social Services to issue the Proposal Document for consultation in accordance with the statutory regulations; and
- (iii) otherwise, to note the contents of the report.

**RESPONSE TO THE EDUCATION (ADDITIONAL SUPPORT FOR LEARNING)
(SCOTLAND) ACTS 2004 AND 2009: CONSULTATION ON CHANGES TO THE
SUPPORTING CHILDREN'S LEARNING CODE OF PRACTICE**

- 2E.** There was submitted a report dated 18 December 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for the Council's response to the Supporting Children's Learning Code of Practice which had arisen from the new Education (Additional Support for Learning) (Scotland) Act 2009.

Cabinet agreed, subject to minor textual amendments:-

- (i) to approve the response to the consultation in respect of the Supported Children's Learning Code of Practice; and
- (ii) otherwise, to note the contents of the report.

COMMUNITY PLANNING AND EQUALITIES

**EQUALITY BILL AND CONSULTATION ON PUBLIC SECTOR EQUALITY
SPECIFIC DUTIES**

- 3E.** There was submitted a report dated 18 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided information on the new Equality Bill and a draft response to the Scottish Government's consultation on Public Sector Equality Duty Specific Duties.

Councillor Douglas Reid joined the meeting at this point and took the Chair.

Cabinet agreed:-

- (i) to approve the response to the Scottish Government on the Consultation on Public Sector Equality Duty Specific Duties;
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to include within the covering letter submitting the Council's response on the consultation, reference to the Council's concern at the limitation of questionnaires populated predominantly with closed questions, namely, questions that provided only Yes/No/Don't Know options and that it was the Council's view that there should be a greater proportion of open questions which would result in a more worthwhile consultation exercise; and
- (iii) otherwise, to note the contents of the report.

MANAGEMENT AND RESOURCES

BUDGET CONSULTATION 2010/11 - 2012/13

- 4E.** There was submitted a report dated 6 January 2010 together with a supplementary report (both circulated) by the Executive Head of Finance and Asset Management which sought approval of a draft General Services Revenue Budget for 2010/11 to 2012/13 to be issued for consultation to all interested parties. The feedback received during the consultation process would be used to inform the Cabinet's final consideration of the Budget on 10 February 2010.

Cabinet agreed:-

- (i) to approve the proposals set out in the report as the basis for consultation;

- (ii) that a review of rent policy be carried out and completed by December 2010;
- (iii) that the consultation period be extended to 1 February 2010; and
- (iv) that whilst the contents of the report were subject to call-in procedures in the normal way, the decision to issue the draft budget for consultation not be subject to call-in procedures due to the timescale.

Cabinet agreed to note the position on behalf of East Ayrshire Council's Labour Group that Councillors McKay and Menzies, whilst recognising the requirement of the Cabinet to approve, on behalf of the Council, the draft budget proposals for consultation, had intimated that the proposals contained within the paper did not reflect the Labour Group's priorities and consequently were not supported by the Labour Group.

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

ADJOURNMENT/RECONVENTION OF MEETING

5. The meeting adjourned at 1245 hours and reconvened at 1255 hours with the same Members and Officers present and in attendance under exception of Joe McLachlan, Corporate Accounting Manager and Robin Baker, Financial Controller and in addition to Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support who joined the meeting during Item 4E.

COMMUNITY WELLBEING

KICK START COUNCIL HOUSE BUILDING BID SUBMISSION

6. There was submitted a report dated 14 December 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of the successful outcome of the submission to the Scottish Government for funding to assist in the provision of the new Council housing on three sites at Creelshaugh Road, Fenwick and Newlands Drive and Lammermuir Road, Kilmarnock, in accordance with the approved East Ayrshire Strategic Housing Investment Plan 2009/10 - 2013/14 and which recommended the appointment of Atrium Initiatives, a subsidiary of Atrium Homes as the Council's agent to manage the design and build projects in respect of the second phase of the Council's House Building Programme.

Cabinet agreed:-

- (i) to note the three sites to be developed from the second stage award of funding in the sum of £0.750M for the provision of new Council housing at Creelshaugh Road, Fenwick, Newlands Drive, Kilmarnock and Lammermuir Road, Kilmarnock;
- (ii) to approve the appointment of Atrium Initiatives, a subsidiary of Atrium Homes, as the Council's agent to manage the design and build projects on each of the approved sites;
- (iii) to note that further reports on progress would be submitted to future Cabinet meetings; and
- (iv) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

DRAFT SUPPLEMENTARY PLANNING GUIDANCE CONSULTATION

7. There was submitted a report dated 17 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for consideration and approval, responses to comments received during a consultation period on three draft Supplementary Planning Guidance (SPG) documents prepared by the Head of Planning and Economic Development on Developer Contributions, Affordable Housing and Masterplanning.

Cabinet agreed:-

- (i) to approve the suggested Council responses to the comments received on the three SPG's;
- (ii) to authorise the Head of Planning and Economic Development to make any necessary alterations to the three draft SPG's to take account of the Council's position in light of the consultation responses;
- (iii) that once the SPG's had been finalised they would form non-statutory guidance which would be considered a material consideration in the determination of planning applications; and
- (iv) otherwise, to note the contents of the report.

MANAGEMENT AND RESOURCES

CENTRAL JOINT CONSULTATIVE COMMITTEE

8. There were submitted and noted the Minutes of the meeting of the Central Joint Consultative Committee held on 3 December 2009 (circulated).

EXCLUSION OF PRESS AND PUBLIC

9. 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".

MANAGEMENT AND RESOURCES

TEACHER ANNUAL REQUESTS FOR EARLY RETIREMENT (WITHOUT ENHANCEMENT)

10. There was submitted a joint report dated 15 December 2009 (circulated) by the Executive Director of Educational and Social Services and the Depute Chief Executive/Executive Director of Corporate Support which informed Cabinet that 9 teachers in the primary sector, 3 teachers in the secondary sector and 3 teachers in the special sector in the Department of Educational and Social Services had been allowed to retire early with no enhancement from the Council's service as per the delegated authority of the Executive Director of Educational and Social Services.

Cabinet agreed to note the early retirement arrangements as detailed in Appendix A to the report.

TEACHER REFRESH SCHEME - REQUESTS FOR EARLY RETIREMENT WITH TWO YEARS ENHANCEMENTS

11. There was submitted a joint report dated 15 December 2009 (circulated) by the Executive Director of Educational and Social Services and the Depute Chief Executive/Executive Director of Corporate Support which sought approval for 25 teachers and one Quality Improvement Officer in the Department of Educational and Social Services to retire from the Council's service under the terms of the Teachers (Compensation from Premature Retirement) (Scotland) Regulations 1997.

Cabinet agreed to approve the early retirement arrangements as detailed in Appendix A to the report.

VOLUNTARY SEVERANCE

12. There was submitted a report dated 22 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of voluntary severance arrangements for an employee in the Housing Service of the Department of Neighbourhood Services.

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

REVISED CONDITIONS OF SERVICE FOR LOCAL GOVERNMENT EMPLOYEES

13. There was submitted a report dated 6 January 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet of the result of the conclusion of the consultations with the Trade Unions regarding the introduction of revised terms and conditions of service for employees within the Local Government Employees (LGE) Employee Group.

Cabinet agreed:-

- (i) to approve the Council's final proposals in respect of the revised Conditions of Service for Local Government Employees;
- (ii) that the statutory consultation period commence on 22 January 2010 and the implementation date be 1 August 2010 at the latest;
- (iii) to note that a further report would be submitted to Cabinet on 21 April 2010 on the outcome of consultations with the Trade Unions on the revised Scheme of Terms and Conditions of Service; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1324 hours.