

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 16 DECEMBER 2009 AT 0900 HOURS IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE, KAY PARK, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts and Barney Menzies; and Church Representatives Bill McGregor and Maria Dorrian; 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; 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; Susan Taylor, Head of Service: Children, Families and Criminal Justice; Eddie Fraser, Head of Service: Community Care; Robin Gourlay, Head of Service: Facilities Management; Euan Couperwhite, Head of Service: Resources; John Bryson, Head of Roads and Transportation; Gwen Barker, Community Planning and Partnership Manager; and Christine Baillie, Senior Administrative Officer.

APOLOGY: Councillor Kathy Morrice.

CHAIR: Councillor Douglas Reid, Leader of the Council.

LIFELONG LEARNING**UPDATE ON POST OF SCHOOLS' ALCOHOL EDUCATION CO-ORDINATOR
(Item 1E, Page 33, 07/12)**

- 1E.** There was submitted a report dated 30 November 2009 (circulated) by the Executive Director of Educational and Social Services which updated Cabinet on progress and activity in relation to the post of Schools' Alcohol Education Co-ordinator.

Councillor Iain Linton entered the meeting during discussion of the above item.

Cabinet agreed:-

- (i) to note the progress made in educating and informing our young people on alcohol and drugs misuse in East Ayrshire;
- (ii) to recognise that East Ayrshire Council was now at the forefront of developing national guidance around the substance misuse element within A Curriculum for Excellence;
- (iii) that the Executive Director of Educational and Social Services provide a further update to Cabinet in 12 months; and
- (iv) otherwise, to note the contents of the report.

**OPTION APPRAISAL - CROSSROADS PRIMARY SCHOOL
(Item 2E, Pages 554, 555, 07/12)**

- 2E.** There was submitted a joint report dated 9 December 2009 (circulated) by the Executive Director of Educational and Social Services and the Executive Head of Finance and Asset Management which advised Cabinet of the outcome of the options appraisal exercise which had been completed for Crossroads Primary School and which considered the financial and educational elements of each option.

Parent Representative David Fraser entered the meeting during discussion of the above item.

Cabinet agreed:-

- (i) to note the outcome of the options appraisal exercise;
- (ii) to agree to adopt Option 5 as its preferred choice i.e. cessation of education provision at Crossroads Primary School with pupils transferred to Galston Primary School, subject to the outcome of the formal public consultation;
- (iii) to remit to the Executive Director of Educational and Social Services to prepare a consultative document on the future provision of education for the pupils of Crossroads Primary, incorporating all of the options listed at table 1 of paragraph 3.1.1 of the report, for the purpose of submitting the document to a future Cabinet meeting for approval; and
- (iv) otherwise, to note the contents of the report.

COMMUNITY PLANNING

COMMUNITY PLANNING FOUR-YEARLY REVIEW PROCESS

- 3E.** There was submitted a report dated 16 November 2009 (circulated) by the Chief Executive which presented to Cabinet for consideration the proposed process for the Community Planning Four-Yearly Review.

Cabinet agreed:-

- (i) to endorse the proposed Review Process;
- (ii) to progress the Review Process actions as required; and
- (iii) otherwise, to note the contents of the report.

**REVIEW OF THE DISABILITY EQUALITY SCHEME 2006-2009 AND THE
INTERIM DISABILITY EQUALITY SCHEME 2009-2010
(Item 7E, Page 2548, 03/07)**

- 4E.** There was submitted a report dated 1 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided Cabinet with a review of the Disability Equality Scheme 2006-2009 and which submitted for approval an interim Disability Equality Scheme 2009-2010.

Cabinet agreed:-

- (i) to note the review of the Disability Equality Scheme 2006-2009;
- (ii) to approve the interim Disability Equality Scheme 2009-2010; and
- (iii) otherwise, to note the contents of the report.

EQUALITIES FORUM

- 5E.** There was submitted a report dated 1 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided Cabinet with an update regarding the Equalities Forum meeting held on 27 August 2009.

Cabinet agreed:-

- (i) to note that the next meeting of the Equalities Forum would be held in February 2010 with the topics for consideration being the Housing Allocations Policy and access to Public Amenities; and
- (ii) otherwise, to note the contents of the report.

COMMUNITY WELLBEING

EAST AYRSHIRE CHILD PROTECTION COMMITTEE ANNUAL REPORT 2008/09 AND BUSINESS PLAN 2008/11 - INCORPORATING THE ACTION PLAN FOR 2008/10

- 6E.** There was submitted a report dated 3 December 2009 (circulated) by the Executive Director of Educational and Social Services which advised of the development of the East Ayrshire Child Protection Committee Annual Report (2008/09) and the Business Plan (2008/11) which also incorporated the Action Plan for 2009/10.

Cabinet agreed to endorse the work taking place within the East Ayrshire Child Protection Committee.

MANAGEMENT AND RESOURCES

REVISED CODE OF CONDUCT FOR EMPLOYEES (Item 2.3.2, Page 1643, 99/03)

- 7E.** There was submitted a report dated 11 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval to proposed changes to the Council's Code of Conduct for Employees, subject to consultation with Trade Unions.

Cabinet agreed:-

- (i) to approve the changes to the Council's Code of Conduct outlined within the report, subject to ongoing consultation with the Trade Unions;
- (ii) to submit the revised Code of Conduct to the East Ayrshire Council Joint Negotiating Committee for Teachers for approval;
- (iii) to note that in respect of the requirements of other professional bodies, in addition to those identified within report, the Head of Human Resources would give appropriate consideration to ensure there was no conflict; and
- (iv) otherwise, to note the contents of the report.

STATUTORY PERFORMANCE INDICATORS (Item 11, Page 790, 07/12)

- 8E.** There was submitted a report dated 3 December 2009 (circulated) by the Executive Head of Finance and Asset Management which presented the Council's 2008/09

Statutory Performance Indicators (SPI's) with comparative performance information for previous years and contextual information on performance trends.

Cabinet agreed:-

- (i) to note the Council's performance for 2008/09 in relation to Statutory Performance Indicators;
- (ii) to note the performance trends for each of the indicators; and
- (iii) otherwise, to note the contents of the report.

**FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 8
(15 NOVEMBER 2009)**

- 9E.** There was submitted a report dated 10 December 2009 (circulated) by the Executive Head of Finance and Asset Management which advised Cabinet of the projected financial position for the year based on expenditure to 15 November 2009 (Period 8) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the utilisation of £1.200M of current year's balances for essential repairs as noted at paragraph 3.9 of the report;
- (ii) 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 noted at paragraph 5.1 of the report;
- (iii) to note the accelerated works in respect of the London Road Headquarters as noted at paragraph 7.2 of the report;
- (iv) that any underspend on the Palace Theatre Project, as detailed at page 63 of the report, be utilised for internal refurbishment works as noted at paragraph 7.3 of the report;
- (v) that the Auchinleck Resource Centre allocation be used for a limited refurbishment of Auchinleck Community Centre as noted at paragraph 7.4 of the report; and
- (vi) otherwise, to note the contents of the report.

2010/11-2012/13 BUDGET (Item 9E, Pages 890, 891, 07/12)

- 10E.** The Executive Head of Finance and Asset Management advised that at a meeting on Friday 11 December 2009 proposed changes in the Concordat between CoSLA and the Scottish Government, had been announced and as a result further consideration required to be made on the proposed 2010/11 budget and it was noted that a report would be submitted to Cabinet on 13 January 2010. It was further noted that the planned timescales for consultation on the budget would remain the same as detailed in the report to Cabinet on 21 October 2009.

ORDER OF BUSINESS

- 11.** The Chair advised that at his discretion and in terms of Standing Order 19, Item 20 on the Agenda "Business Review of Administrative and Support Structures within Educational and Social Services" would be considered at this point to allow the

Church, Teacher and Parent Representatives to participate in consideration of the item.

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act".

MANAGEMENT AND RESOURCES

BUSINESS REVIEW OF ADMINISTRATION AND SUPPORT STRUCTURES WITHIN EDUCATIONAL AND SOCIAL SERVICES

- 13E. There was submitted a report dated 4 December 2009 (circulated) by the Executive Director of Educational and Social Services which informed Cabinet of the findings of the Business Review of Administration and Support Structures within Educational and Social Services and which sought approval to implement the recommended changes to support structures outlined in Section 12 of the review and summarised in Section 4 of the report.

Cabinet agreed:-

- (i) to note the outcomes of Phase 1 of the Council-wide review of Administration and support structures which related to Educational and Social Services;
- (ii) to the recommended restructuring summarised in paragraph 4 of the report, subject to appropriate consultation with Trade Unions; and
- (iii) otherwise, to note the contents of the report.

The Cabinet also agreed to note Councillor Maureen McKay's comments that she and her party reserved their position until consultation with the Trade Unions had taken place.

The Church Representatives, Teacher Representative, Parent Representative and Councillors Iain Linton and Hugh Ross all left the meeting at this point.

RE-ADMITTANCE OF PRESS AND PUBLIC

14. The Press and public were re-admitted.

COMMUNITY WELLBEING

EAST AYRSHIRE OLDER PEOPLE'S CONFERENCE 2009

15. There was submitted a report dated 1 December 2009 (circulated) by the Executive Director of Educational and Social Services which informed Cabinet of the Annual East Ayrshire Older People's Conference 2009 which took place on 17 November 2009 at the Park Hotel, Kilmarnock.

Cabinet agreed:-

- (i) that the Executive Director of Educational and Social Services brings the Older People's Strategy to a future Cabinet meeting for consideration;

- (ii) to note the positive response to this year's conference;
- (iii) to endorse this approach to consultation with older people;
- (iv) that detail on the content and outcome of the discussions and PP voting held at the Forum meetings be included within future report; and
- (v) otherwise, to note the contents of the report.

Councillor Ross rejoined the meeting and Councillor Todd left the meeting during discussion of the above item.

CARERS ACTION PLAN

- 16.** There was submitted a report dated 3 December 2009 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet approval of the draft Carers Action Plan for East Ayrshire.

Cabinet agreed:-

- (i) to approve the draft Carers Action Plan; and
- (ii) otherwise, to note the contents of the report.

Councillor Todd rejoined the meeting during discussion of this item.

MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS AND REPORT 2009

- 17.** There was submitted a report dated 3 December 2009 (circulated) by the Executive Director of Educational and Social Services which advised Cabinet of the publication of the Annual Report 2009 in respect of the Multi Agency Public Protection Arrangements.

Cabinet agreed to endorse the contents of the report.

IMPLEMENTATION OF THE ADOPTION AND CHILDREN (SCOTLAND) ACT 2007: ADOPTION ALLOWANCES

- 18.** There was submitted a report dated 3 December 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval of the proposed implementation arrangements of an amended Adoption Allowances Scheme.

Cabinet agreed:-

- (i) to approve the proposals set out at paragraph 5 of the report;
- (ii) that the decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency as a statutory requirement needed to be implemented by 28 December 2009; and
- (iii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

LOCAL TRANSPORT STRATEGY 2009-2014 (Item 14, Page 464, 465, 07/12)

- 19.** There was submitted a report dated 10 December 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the finalised East Ayrshire Council Local Transport Strategy.

Cabinet agreed:-

- (i) to approve the finalised Local Transport Strategy 2009-2014; and
- (ii) otherwise, to note the contents of the report.

PROPOSED WEIGHT RESTRICTIONS - VARIOUS STRUCTURES THROUGHOUT EAST AYRSHIRE

- 20.** There was submitted a report dated 10 December 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval of the Cabinet to revoke the existing weight limits on various structures throughout East Ayrshire and introduce new weight limits to allow the road signing to be brought up to current standards.

Cabinet agreed:-

- (i) to approve the proposal to bring forward the replacement of Skeldon Bridge in the Bridges and Culvert Strengthening Programme from 2013/14 to 2011/12 with the design being carried out in 2010/11;
- (ii) to approve the proposals to amend the draft Order by removing the proposed weight limit for the Skeldon Bridge, Glastron Road, near Dalrymple from the said Order; and
- (iii) to approve the making of the Order for weight restrictions at the locations listed in Appendix 1 of the report, subject to the amendment as detailed in recommendation (ii) above.

MANAGEMENT AND RESOURCES

LOCAL EMPLOYMENT PARTNERSHIPS AGREEMENT

- 21.** There was submitted a report dated 27 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended to Cabinet that the Council formally sign up to the Local Employment Partnerships Agreement with Job Centre Plus.

Cabinet agreed:-

- (i) that the Council should commit itself to the Local Employment Partnerships Agreement;
- (ii) that the Head of Human Resources sign the Agreement on behalf of the Council; and
- (iii) otherwise, to note the contents of the report.

SCOTTISH INDEX OF MULTIPLE DEPRIVATION 2009

- 22.** There was submitted a report dated 10 December 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to Cabinet for consideration the result of the Scottish Index of Multiple Deprivation (SIMD) 2009 as they related to East Ayrshire.

Cabinet agreed:-

- (i) to note the results of the preliminary analysis of the SIMD 2009 and that further work would be carried out to analyse and interpret the data in detail bringing forward Cabinet reports as appropriate;
- (ii) to note that the Community Planning Partnership Board would review and take forward actions in respect of the SIMD 2009 as part of the Single Outcome Agreement Improvement Plan;
- (iii) to participate in a Seminar for Elected Members in the new year to which representatives from the Office of the Chief Statistician would be invited; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1215 hours.