

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 2 SEPTEMBER 2009 AT 1000 HOURS IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE, KAY PARK, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, Iain Linton, John MacKay, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts and Kathy Morrice; and Parent Representative David Fraser.

**ATTENDING:** Fiona Lees, Chief Executive; Graham Short, Executive Director of Educational and Social 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; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Susan Taylor, Head of Service: Children, Families and Criminal Justice; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Jim Lyon, Principal Officer, Children and Young People; and Christine Baillie, Senior Administrative Officer.

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

**CHAIR:** Councillor Douglas Reid, Leader of the Council.

**DECISION-MAKING STRUCTURE**

1. The Cabinet noted report by the Chief Executive that she had received a letter dated 14 August 2009 from the East Ayrshire Labour Group which advised of their decision to suspend their representation on Cabinet for reasons set out in the letter, which included electoral representation and proportionality issues and the failure to deliver the review of the decision-making structure to Council. The Chief Executive advised that an account for the delay of the review had been given to Council and that the report would be submitted to Council on 8 October 2009 for consideration.

**CHAIR'S REMARKS**

2. The Chair welcomed to the meeting Louise Giautini, who was on work experience within Legal Services.

**LIFELONG LEARNING****FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 4 (26 JULY 2009)**

- 3E. There was submitted a report dated 27 August 2009 (circulated) by the Executive Head of Finance and Asset Management which advised Members of the projected financial position for the year based on expenditure to 26 July 2009 (Period 4) and information provided by Executive Directors.

Having noted the intention that future Finance and Service Strategy reports would include service performance information as the new Performance Management system was rolled out, Cabinet agreed:-

- (i) to approve the earmarking of £0.325M to be carried forward to meet the full year costs of 15 additional Primary teachers and the restructuring of the Secondary Schools promoted posts structure as approved by Cabinet on 17 June 2009;
- (ii) to approve the allocation of £0.150M from the depot improvement capital budget to install lockers and shower facilities within various depots;
- (iii) to approve the allocation of £0.040M from the cemeteries capital budget for essential works to the stonework and remediate rot at the Hans Hamilton and Boswell Tombs;
- (iv) to approve the draw down of £0.365M from the capital contingency fund as detailed in paragraph 7.3 to 7.7 of the report; and
- (v) otherwise, to note the contents of the report.

Parent Representative David Fraser left the meeting at this point.

## **COMMUNITY WELLBEING**

### **EAST AYRSHIRE CHILDREN AND YOUNG PEOPLE'S SERVICE PLAN: ANNUAL REVIEW 2008/9**

4. There was submitted a report dated 19 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet for the 2008/9 Annual Review of the East Ayrshire Children and Young People's Services Plan 2008-2011.

Cabinet agreed:-

- (i) to approve East Ayrshire's 2008/9 Annual Review of the 2008-2011 East Ayrshire Children and Young People's Services Plan;
- (ii) to note that update reports would be submitted to a future meeting of the Cabinet on the More Choices: More Chances Strategy and the Domestic Abuse Forum Action Plan; and
- (iii) otherwise, to note the contents of the report.

### **KEY DEVELOPMENTS IN ADOPTION AND FOSTERING SERVICES**

5. There was submitted a report dated 26 August 2009 (circulated) by the Executive Director of Educational and Social Services which informed Cabinet of key developments and progress in adoption and fostering services and which sought approval for appointing an independent chair to the Adoption and Permanency/Fostering and Resources Panel.

Cabinet agreed:-

- (i) that a further report on the proposal for a revised adoption allowance scheme be submitted to Cabinet;
- (ii) that the operational and financial implications of the legislation be quantified and that this be the subject of a future report to Cabinet;
- (iii) to approve the response to advertise for an independent chair of the adoption and permanency panel and the fostering and resources panel along with the

associated costs and that it be remitted to the Executive Director of Educational and Social Services to progress this proposal;

- (iv) that this report be submitted to the Governance and Scrutiny Committee for its interests; and
- (v) otherwise, to note the contents of the report.

#### **CORPORATE PARENTING ACTION PLAN (Item 4, Pages 634, 635 & 636, 07/12)**

6. There was submitted a report dated 26 August 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval of the East Ayrshire Corporate Parenting Action Plan and which advised of progress to date.

Cabinet, having noted that the dates for future meetings of the Member/Officer Working Group should say March 2010 and June 2010 agreed:-

- (i) to approve the draft Action Plan;
- (ii) to note the continuation of the Member/Officer Working Group as detailed in paragraph 5 of the report;
- (iii) to note that the representative from the main opposition party had changed, with the name still to be confirmed;
- (iv) to note that the Action Plan would continue to develop on a partnership basis; and
- (v) that a six monthly report be provided to Cabinet on progress.

#### **ALCOHOL AND DRUGS PLEDGE UPDATE**

7. There was submitted a report dated 24 August 2009 (circulated) by the Executive Director of Educational and Social Services which updated Cabinet on progress and activity in relation to alcohol and drugs in East Ayrshire.

Cabinet agreed:-

- (i) to note the progress made in addressing alcohol and drug misuse in East Ayrshire;
- (ii) to note the substantial impact of alcohol and drug use on the economy of East Ayrshire;
- (iii) to support the establishment of the East Ayrshire Alcohol and Drug Partnership; and
- (iv) otherwise, to note the contents of the report.

#### **ENVIRONMENT AND REGENERATION**

##### **GUIDANCE ON LOCATION OF WINDFARMS IN AYRSHIRE**

8. There was submitted a report dated 17 August 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised the Cabinet of progress towards finalising planning policy guidance for windfarms in Ayrshire in accordance with the provisions of the Scottish Government's planning policy and formal advice, the Ayrshire Joint Structure Plan and the Alteration to the East

Ayrshire Local Plan Finalised Version with Modifications and which sought the view of the Cabinet on what form this guidance should take.

Cabinet agreed:-

- (i) to note that the East Ayrshire Local Plan Finalised Version with Modifications had not yet been approved and whilst reference was made to the Local Plan within this report, the approval process of the Local Plan had no bearing on consideration of this report;
- (ii) that the Head of Planning and Economic Development confirms with his counterparts at North and South Ayrshire Councils that the planning guidance for windfarms should be as an Addendum to Technical Report TR03/2006: Renewables of the Approved Ayrshire Joint Structure Plan; and
- (iii) subject to the agreement under recommendation (ii) above, approve the planning guidance Windfarms as produced by the Ayrshire Joint Planning Unit (and reproduced in the Appendix to the report) as being material in the determination of any future planning applications and decisions which related to windfarms in East Ayrshire.

## **MANAGEMENT AND RESOURCES**

### **PROTECTION OF CHILDREN AND ADULTS AT RISK**

9. There was submitted a report dated 20 August 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet of the current position in relation to the Protection of Children and Adults at Risk and which sought their approval for amendments to the Council's current procedures through:-
- (i) the introduction of retrospective checks to be carried out on those existing employees in relevant occupations who had not been subject to the Enhanced Disclosure process; and
  - (ii) the development of a system of routine Disclosure re-checking for all employees in relevant occupations.

Cabinet agreed:-

- (i) that retrospective checks be carried out on those existing employees in relevant occupations who had not been subject to the Enhanced Disclosure process;
- (ii) that a system of routine Disclosure Re-checking for all employees in relevant occupations be developed;
- (iii) to remit to the Head of Legal, Procurement and Regulatory Services to review existing management arrangements in terms of contractors/sub-contractors employed by the Council to carry out work in schools or other Council premises where children or vulnerable adults were present; and
- (iv) otherwise, to note the contents of the report.

### **RECRUITMENT AND SELECTION - PROCUREMENT OF ASSESSMENT CENTRE PROVISION (Item 1, Page 441, 07/12)**

10. There was submitted a report dated 10 August 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval to the extension of a negotiated contract with the Keil Centre Ltd as part of the

Council's overall recruitment and selection arrangements in terms of the relevant provisions of the Council's Standing Orders Relating to Contracts.

Cabinet agreed:-

- \* (i) that the Keil Centre Ltd be appointed to provide services relating to recruitment and selection for a period of 12 months from 1 September 2009 in accordance with paragraph 20(1) of the Council's Standing Orders Relating to Contracts;
- (ii) to note that a further report would be submitted to Cabinet within the next 12 months outlining proposals for putting in place contractual arrangements for a longer period; and
- (iii) otherwise, to note the contents of the report.

### **EXCLUSION OF PRESS AND PUBLIC**

11. 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".

### **SEVERANCE ARRANGEMENTS**

12. There was submitted a report dated 20 August 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of severance arrangements from three employees within the Departments of Corporate Support and Educational and Social Services.

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

The meeting terminated at 1142 hours.

#### \* **Footnote**

There was an error in the report presented to Cabinet regarding this item. The date detailed in the report at recommendation (i) was 1 September 2010 but should have been 1 September 2009. The Minute has therefore been changed to rectify this error.